Women's Canadian Historical Society of Ottawa.

Transactions—Vol. VI

Treaties Relating to Canada

1632 - 1871

1915

Women's Canadian Historical Society of Ottawa

1915

Transactions—Vol. VI

Treaties Relating to Canada

1632 - 1871

UNIVERSITY OF VICTORIA
LIBRARY
Victoria, B. C.

CONTENTS

Page

Foreword on the General Subject of Treaties ---------- 5
Mrs. G. M. Bayly.

St. Germain-en-Laye ---------- 11
Miss Magdalen Casey.

Treaties of Breda and Ryswick ---------- 25
Madame Léon Gérin.

Treaty of Utrecht ---------- 40
Madame L. N. Rhéaume.

Aix-la-Chapelle ---------- 47
Madame S. Lelièvre.

Treaty of Paris ---------- 52
Mrs. G. M. Bayly.

Treaty of Versailles ---------- 62
Mrs. J. B. Simpson.

Treaty of Ghent ---------- 73
Miss Muriel G. Shortt.

Ashburton Treaty ---------- 85
Miss Hazel Bigger.

Treaty of Washington ---------- 92
Mrs. D. H. McLean.

Reciprocity Treaty ---------- 104
Mrs. W. P. Davis.

Confederation ---------- 113
Mrs. Walter Armstrong.

Fort

Being the
Pa

We
Canada, i
Our stud
however
to the A
though a
treaty of
of bloody
be most i

Treat
history o
national
monumen
ment Ser
early Gre
dates fro
restricted
for conve
(1) politi
neutraliz
the submi
cial, havi
and navig
as the Z
unions of
&c.; (4)
arrest of
protectio

Foreword on the General Subject of Treaties

Being the Introduction to Mrs. Bayly's Paper on "The Treaty of Paris," the first of the series as arranged to be given before the Society.

We begin today our series of papers on the Treaties affecting Canada, in succession to the "Battlefields" series recently concluded. Our studies are therefore in logical sequence, for, the god of war, however reluctant, must always, in the final event, make submission to the Angel of Mercy, bringing peace and healing. So closely though are the underlying causes interwoven, which lead to a formal treaty of peace, and only a little later, perhaps, to another tornado of bloody conflict, that an ecbatic survey of the whole subject would be most illuminative and interesting.

Treaty making was naturally a very early phenomenon in the history of civilization, and one of the first departments of international law to attract attention. Many are recorded upon ancient monuments of Egypt and Assyria. Others occur in the Old Testament Scriptures, and much research into the subject was made by early Greek and Roman historians. The term treaty as now used dates from the seventeenth century, and in modern diplomacy is restricted to the more important international agreements, which for convenience may be classified according to their objects, as, (1) political, including treaties of peace, alliance, cession, boundary, neutralization, guarantee, the creation of international servitudes or the submission of subjects of controversy to arbitration; (2) commercial, having to do with consular and fishery matters, the slave trade and navigation; (3) confederations for special social objects, such as the Zollverein, the Latin monetary union and the still wider unions of posts, telegraphs, submarine cables, weights, measures, &c.; (4) relating to criminal justice, such as the extradition and arrest of fugitives from justice; (5) relating to civil justice, e.g., the protection of trade marks, copyrights, &c.; (6) the promulgation of

written rules of international law upon topics previously governed, if at all, by unwritten custom, such as the conduct of warfare, &c.

The first treatise on the subject of Treaties was published in 1693 by Leibnitz, "Codex Juris Gentium," and contained documents from 1097-1497. The "Cors Universal Diplomatique du Droit des Gens" of Dumont, published somewhat later (1726-39), gave treaties from 315 A.D. to 1730. Since that time official publication of treaties has been made by most of the Great Powers. In Great Britain none were given to the public until the 17th century, as prior to that time it was thought that such matters were not fit "to be made vulgar." Rymer's Foedera was published under government authority in 20 volumes, issued between 1704 and 1732; but for the earlier British treaties we are indebted to private enterprise. The more modern treaties of Great Britain, previously to be found only as scattered through the "London Gazette" or embedded in masses of diplomatic correspondence, are now published as soon as ratified, the Treaty Series of Parliamentary papers having been begun in 1902. The greatest collection of Britain's commercial treaties is that by Mr. L. Hertslet, a former librarian of the Foreign Office, continued by his son, Sir Edward Hertslet, and other holders of the office, entitled, "A Complete Collection of the Treaties and Conven-
" tions and Reciprocal Regulations at present subsisting between
" Great Britain and Foreign Powers, and of the Laws and Orders in
" Council concerning the same, so far as they relate to Commerce
" and Navigation, the Slave Trade, Post Office, &c., and to the
" Privileges and Interests of the Subjects of the Contracting Par-
" ties"—(24 vols. A.D. 1820-1907). Two other series of Treaties have been published, one of which is largely concerned with treaties containing the Most Favoured Nation Clauses applicable to Great Britain.

Besides the well-known treaties, conventions, &c., of binding authority and force, reference is often made to the Geneva and Hague conventions. These are bodies of rules to which adhesion has been given by most of the civilized states. Their onus is not obligatory, in the same sense as a treaty, but merely what is termed "facultative," though a great effort was made in the case of the Hague conventions, to have resort to arbitration compulsory, with regard at least to certain classes of international questions. The Geneva conventions, 1864 and 1906, give protection to the wounded and those in attendance on them, and also prohibit the use of explosive bullets. The principal Hague conventions are prohibitions of the launching of projectiles from balloons, the use of projectiles

for spreading harmful gases, and the use of expanding bullets, together with a series of rules regarding warfare, both land and marine.

A great European treaty usually begins, "In the name of the Most Holy and Invisible Trinity," or, when the Porte is a signatory, "In the Name of Almighty God." The recitation of all the titles by courtesy, or otherwise, of the Sovereigns, or other high contracting parties, is very scrupulously observed, as it is also in the case of their plenipotentiaries or agents. So important is this matter considered that in the treaty of Paris, there is a special note providing that, "As some of the titles claimed have not been generally " acknowledged, no prejudice shall ever result therefrom to any of " the contracting parties, nor shall the titles taken or omitted be " cited or quoted as a precedent."

There are four stages through which an international public contract, whether designated treaty, convention or agreement, must pass before it becomes a perfect instrument. These are known as the conclusion, the ratification, the exchange of ratifications and the proclamation. A treaty is binding, as between nation and nation, after the exchange of ratifications, but it requires the proclamation, as a general rule, before it becomes binding municipally.

Sovereign States alone possess the treaty making power. The negotiations are conducted by plenipotentiaries, or specially empowered agents of the respective contracting parties, usually the Secretary of State for Foreign Affairs of the country where the negotiations are carried on, and the resident diplomatic representatives of the other powers, though specially appointed agents are by no means rare. In modern history only two treaties have been directly negotiated and signed by sovereign monarchs in person; one, the famous Holy Alliance, to which the Emperors of Russia and Austria and the King of Prussia attached their own signatures and seals,—the other the preliminary treaty of Villafranca between Napoleon III. and the Emperor of Austria in 1859. As a rule the authority to conclude a Treaty is a delegated power, a grant by the Sovereign to his representative. This grant is embodied in a specially prepared instrument, and in the case of important treaties, these instruments are most carefully scrutinized by the respective agents to determine whether they are in "due and proper form." It has occasionally happened that negotiations have been suspended or broken off altogether because of some defect. The difficulty which arose in the Chinese-Japaense negotiations of 1895 is a case in point.

The initial step of the negotiations consists in oral discussions (pourparlers) resulting in a draft of the provisions to be inserted in the treaty, which usually undergoes modifications necessary to bring about harmony. It was at this stage that Talleyrand excelled, and often gained unexpected advantages for his country,—an example followed by M. Favre at the time of the Franco-Prussian débacle of 1871, when by masterly ingenuity he saved France from having to cede to Germany the whole of Lorraine.

When each provision is finally agreed upon, the signing of the treaty follows. This forms the "conclusion" of the treaty, but the affixing of the signatures and seals of the plenipotentiaries does not mean that the treaty is completed and has become operative, but only that the terms have been formally agreed upon and are ready to be submitted to the respective governments. The question of precedence in signing a treaty has often caused much friction, even to the extent of jeopardizing the adjustment of profoundly significant international matters. Did time permit some amusing side-lights might here be given, gathered from original letters in the Archives Department and elsewhere, shewing the jealousies and intrigues incidental to treaty making, and the amour propre heartburnings of certain high and mighty personages; though it must in justice also be said that often the manoeuvering was part of a patriot's game for holding or obtaining a strategic advantage for his country. This precedence trouble was finally disposed of by what is known as the "alternat," viz, the right of each sovereign or head of a government, to have his name appear first in the counterpart of the treaty which he is to retain, and to have the name of his plenipotentiary occupy the first place in the enumeration of the negotiators at the head of the treaty, as well as in the signatures at the end. (As many counterparts of a treaty are made as there are contracting parties, and each is considered an original). Formerly treaties were carefully written or engrossed. Now they are generally printed, especially where there are many contracting parties, as for instance in the Convention of Paris of 1884, re submarine cables, which had twenty-six signatory States.

Latin was long the treaty language. French gradually took its place, and may be said still to hold that distinction, although there is a tacit understanding, as well as an express stipulation in some treaties, (of which the Treaty of Paris is one), that no precedent is established by its use, and that each State may employ its own language in a treaty with any other State.

Ratification is the act by which a sovereign power declares its acceptance of a treaty negotiated and concluded by its plenipotentiaries; it is the approval by a government of the negotiations conducted by its agent. The proceeding is widely divergent in different countries. In Great Britain treaty-making is the prerogative of the Crown, and ratification or assent of the Sovereign, does not require the sanction of Parliament, except where the provisions exceed the King's prerogative and come within the constitutional powers appertaining to Parliament. It is usual, however, for the Government, after the "conclusion" of important treaty negotiations, to communicate the result to Parliament, declaring the course which it intends to pursue. If either house is of opinion that the Government has failed in its duty it may appeal to the Crown. One writer on this subject says: "For while initiation of a Foreign Policy is "the prerogative of the Crown under the responsibility of con- "stitutional ministers, it is the duty of Parliament to criticize, sup- "port or condemn the policy, as the interests of the nation may seem "to require." A great safeguard this—you will say—but unfortunately also a doorway to grave peril, where, as in the case of the Treaty of Paris,—though one hesitates to admit such a state of affairs,—venal members of Parliament had more regard for their pockets than for their nation's welfare.

The refusal of a government to ratify a treaty duly signed by its plenipotentiary is held to absolve the other contracting parties from all obligations in regard thereto.

The exchange of ratifications, the third essential to a perfect treaty, is the act whereby each plenipotentiary formally submits to the others the proofs that the treaty has been ratified by his Government.

Proclamation of the treaty is the final act by which the people of a country are notified that a binding contract has been made with another power, and are enjoined to observe and fulfill its provisions. This proclamation is issued by the head of the government, and in the case of the Treaty of Paris begins as follows:—"By the King— "A Proclamation—George, Rex:—Whereas we have taken into our "Royal consideration the extensive and valuable acquisitions in "America secured to our Crown by the last definitive treaty of peace "concluded at Paris the tenth day of February last, and being "desirous that all our loving subjects * * * may avail themselves "with all convenient speed of the great benefits and advantages "which must accrue therefrom to their commerce, manufactures

" and navigation, we have thought fit, with the advice of our Privy " Council, to issue this our Royal Proclamation, &c."

Once duly ratified and proclaimed what as to due performance of treaty obligations? In early days oaths, hostages, guarantees, territorial occupation, &c., were common modes of safeguard. The two latter are still insisted upon where large war indemnities have to be paid. The picturesque, though not infallible surety of oaths and hostages, has altogether disappeared. Curiously enough the last occasion upon which hostages were taken was in connection with a Canadian matter, when by the Treaty of Aix-la-Chapelle, 1748, hostages were stipulated to be sent by England to France to secure the restitution to the latter of the island of Cape Breton. Pending the actual accomplishment of the transfer, Lord Cathcart and Lord Sussex had to remain in France until July, 1749. Treaties now depend for their fulfilment largely upon the bona fides of the contracting nations and that intangible but powerful factor in international relations—keeping the balance of power.

One authority gives the number of treaties and conventions now holding the various States of the world under contractual obligations to one another, as about eight thousand. Certain it is that the growing interdependence of nations give the treaty-making power ever-increasing force in all governments.

Though not strictly a treaty in the modern sense, the earliest covenant making with which we are most familiar is that known to us as the Ten Commandments, holographed, according to Holy Writ, by the finger of God Himself on tables of stone at Mount Sinai about 1250 B.C., the keynote of which is in striking similarity to the modern form already noted, "I am Jahveh or Jehovah." These articles and the voluminous code which follows them may be regarded as setting forth the conditions upon which God delivered the Israelitish nation from Egyptian bondage, and undertook to bless, protect, and prosper them in the land which He had promised to give them. In a solemn sacrificial rite they ratified their acceptance, and entered into the covenant with Jehovah. The memory of this covenant never died out. It has exerted a mighty influence throughout all the history of the "chosen people." From an ethical point of view it is one of the world's great concordats, which has no uncertainties of application, and which although it requires constant individual ratification on the part of man, never has and never will be abrogated until the Great King comes into full possession—until "the Kingdoms of this " world are become the Kingdoms of our Lord and of His Christ."

E. D. BAYLY.

St. Germain-en-Laye

A Treaty between Lewis XIII King of France and Charles I King of Great Britain for the Restitution of New France, Acadia and Canada, and the Ships and Merchandises taken on Both Sides, March 29, 1632.

In October, 1626, Cardinal Richelieu turned his attention to the state of foreign trade and assumed the title of Superintendent of Navigation and Commerce of France. The mismanagement of affairs in New France was soon evident to him; he applied a prompt and powerful remedy—the privileges of the De Caen and other trading companies were annulled. The Company of New France or the Company of One Hundred Associates was then formed under a Royal Charter with Richelieu at its head. The directors were rich and zealous persons who were in a position to remove the difficulties which had hindered the growth of New France from its foundation.

The Company of New France, under its charter, was to convey to Canada during the year 1628 two hundred or three hundred colonists and before 1643 to increase the number to 4,000. They were to clear the land, build houses and settle permanently in the country.

The repeated appeals of Champlain for supplies and workmen for the Colony at Quebec had been totally disregarded by the De Caen Company, and the first act of the New Company was to fit out a fleet under command of Admiral de Roquemont, which left Dieppe in April, 1628, with emigrants and stores of all kinds.

At this time, France and England being at war, certain British merchants formed themselves into a Company of "Merchant Adventurers" and fitted out ships for which they obtained Letters of Marque to enable them to seize French and Spanish vessels and goods. They had previously secured a patent from King Charles I. giving them a monopoly of the trade in the Gulf and River St. Lawrence and the right to establish a colony in the country adjacent thereto.

Two fleets were sent out by the Company of Merchant Adventurers—one under the command of Sir William Alexander to Acadia,

and the other under Captain David Kirke sailed for Quebec a month previous to the departure of the French Fleet under de Roquement. After a swift and favourable voyage Captain Kirke arrived at Newfoundland where he resolved to wait until he should receive information of the French, as before leaving England he had heard rumours of a great armament fitted out in France to establish the New Company in Canada, and he was anxious to ascertain the size and number of the ships composing the French fleet. He cruised around the Gulf seizing fishing vessels and whalers and destroying the little settlement at Cape Tourmente, finally sailing up as far as Tadousac.

While the famished tenants of Quebec were eagerly scanning the horizon for the ships bringing them the promised succour from France, word was brought to Champlain of the destruction of Cape Tourmente and of the arrival of English ships at Tadousac. Quebec was incapable of defence. Only 50 lbs. of gunpowder was left in the magazine; and the fort, owing to De Caen's neglect, was tumbling down.

In the meantime David Kirke sent from Tadousac some Basque fishermen, whom he had pressed into the service, with a summons to Champlain to surrender Quebec. Champlain's reply was so spirited and confident that Kirke concluded the fort must be a well provisioned stronghold. Champlain was hourly expecting the arrival of the enemy, when, instead of the English squadron, a small boat crept into sight with a Frenchman bringing the stirring news from Admiral de Roquemont that he was ascending the St. Lawrence with reinforcements and supplies of all kinds. But the messenger, on his way, had seen an ominous sight—the English in full sail out of Tadousac, steering downwards as if to intercept the advancing relief.—The messenger was correct. Captain Kirke, upon doubling Gaspe Point, saw the whole French fleet, which had taken refuge in the Bay from a violent storm. It was a critical moment for both commanders. There was nothing for de Roquemont but to fight, if Quebec was to be relieved. The engagement lasted several hours when the French were compelled to yield. Kirke with his prisoners and prizes returned to England. Fully aware that no supplies could now reach Quebec, he decided to return the following spring with a larger fleet and attack it.

When the news of this disaster reached Champlain at Quebec, he was in despair. Almost without provisions, hemmed in by the Iroquois on every side, the wretched colonists were reduced to the verge of destruction; all their hopes had been centered upon the arrival of the fleet from France.

On the 29th March of the following year, Kirke, with a much larger fleet, sailed from Gravesend to complete the conquest of Quebec. He reached Gaspe on the 15th June, 1629, but it was not until the 19th July following that he appeared before Quebec with two of his ships.

The capture of the stores intended for the relief of Quebec had reduced Champlain and his colony to the utmost distress, subsisting as they were, principally on roots and berries; and when the English anchored opposite Quebec the place was in no condition to stand a siege of many days duration. Of what use was its impregnable position to Champlain with his food exhausted, his ammunition running low, his men dying of diseases and hunger and no prospect of relief from any quarter, and, having done all that a brave man could do, Champlain capitulated upon the most honourable terms. The settlers were treated with kindness and consideration and inducements were held out to them to remain in the Country. Chaplain was sent to London that he might return to France.

On the 20th July, 1629, Quebec was surrendered to the English and two days later the flag of England was run up on one of the bastions.

The articles of the capitulation were ratified by David Kirke at Tadousac on the 20th August, 1629, and on the following day Lewis Kirke landed in Quebec with 150 men and took possession of the fort.

General opinion in France at the time did not favour the continuance of the colonial policy, which, apart from the fur trade and fisheries, had not proved very successful. But Richelieu had unbounded faith in his schemes for the achievement of national glory, and Champlain, whose mind and heart were deeply set on Quebec, pressed for its restitution. Negotiations were begun with this object in view and were so immediately successful that when Kirke's expedition returned to England everything had practically been given up—not only the country, the French ships, the stores and furs belonging to the settlers, but the cargoes obtained by Kirke as the result of his trading with the Indians.

Owing, however, to the continuation of hostilities between France and Italy, no progress was made as to the settlement of the terms of the treaty, and the negotiations between the two countries dragged on until the spring of 1632. But the efforts of De Caen to secure repossession of the furs belonging to his Company, which had been stored at Quebec and seized by Kirke, kept the English

Government from altogether losing sight of the matter. When De Caen had refused the Commission appointed by the Admiralty Court to look into the affair shortly after his arrival in England, the Lord Mayor of London proceeded to deal with his complaints and the furs were sold to De Caen at public auction at 25 shillings per pound.

At a meeting of the representatives of the two Countries which was held in Paris on the 21st January, 1631, the negotiations for the restoration of New France were resumed at the point where Chateauneuf, the French Ambassador, and the English Foreign Minister had left them at the outbreak of the war in Italy in 1630.

It was agreed that all vessels and goods taken since the peace of Suza, which were in *esse*, should be restored, while the value of those already sold should be paid according to the inventories drawn up at the time of seizure. King Charles on his part also agreed to restore Quebec; and the French expressed their readiness not only to cancel several acts of outlawry passed against the Kirke Brothers, but also to see that justice was done to the English merchants whose goods had been seized at Rouen. There only remained the question of Port Royal. Here, however, the French made a firm stand. The English proposal that it should be left "as a disputable point" for separate negotiations with M. de Fontenay who had succeeded Chateauneuf as French Ambassador to England, was rejected at once. Its immediate restoration was demanded conjointly with that of Quebec as "both agreeable to reason and the treaty itself." The English representative in Paris also recommended this step to Lord Dorchester, the English Foreign Minister.

In view of the firm position taken by the French on the subject of Port Royal, which, since it had been occupied before the close of the war, could in no way be brought under the terms of the treaty of Suza, King Charles thought fit on his side to press for the remaining portion of his wife's dowry. It was only fair, if the question of Port Royal, which had no connection with the treaty, were brought into it, that the question of the dowry should also be introduced. Dorchester warned De Vic, the English Agent, that he was not "to make tender of His Majesty's giving contentment in the point of Port Royal by way of bargain, which were a marchandly proceeding and in no way becoming negotiations betwixt Princes," but if Charles' demands were fully accepted "Port Royal should not breed any interruption to a total agreement."

In the meantime King Louis and the French Court moved to Dijon, and here negotiations were again resumed. Lord Montague,

a special envoy in France, who reached the Court before the others, informed the French Commissioners that all their demands had been accepted in England and that the terms of the treaty could be at once drawn up. When the English Commissioners arrived, however, they declared that they had no instructions to conclude the treaty.

The French demands in writing must again be sent to England and accepted there before this could be done. When also they broached the subject of the Queen's dowry the French Commissioners grew very "colde," nor would they give an assurance of satisfaction being received in this matter until the announcement was made that in return for this (the payment of the 400,000 crowns still due on Queen Henrietta Maria's marriage portion) Port Royal would be restored to France. Richelieu then went so far as to state that when he had seen the King he would fix a day for the payment of the dowry. A certain amount of progress had thus been made, when the French in their turn again introduced a fresh demand. When Chateauneuf was French Ambassador to England, he had drawn up certain regulations as to trade which he wished the two countries to enforce. The war in Italy and his own return to France, where he then occupied the post of Keeper of the Seals, had prevented the matter from being concluded, and he now demanded that these trade regulations should be embodied in the treaty. As they were totally unknown to the English Commissioners, who had not even a copy of them, they said they must write to England for instructions. All hope of completing the negotiations in time for the surrender of New France in the summer of 1631 was then given up.

In the meantime the negotiations were transferred from Dijon to London, where they were quietly proceeding between the new French Ambassador and the English Foreign Minister. Since the goods of the English merchants had been seized that spring at Rouen and the merchants themselves ill-treated by the townspeople, De Vic had sought to induce Chateauneuf to forego his commercial regulations, pointing out to him the many cases of complaint on the English side. Chateauneuf's only reply was that the English should state these complaints in writing. In England M. de Fontenay and Lord Dorchester had made such good progress that in May Dorchester informed his agents in Paris that he would very speedily have all in "rypeness" to speak with the French Ambassador of the means to put everything into final execution, yet this would require a "sending over once more to that syde to agree about the time for delivering the ships and restoring Quebec and Port Royal."

Ten day later the affair was "in that forwardness" that a final issue might soon be expected. At the beginning of June, however, King Charles decided that the negotiations should again be transferred to Paris, that it might not appear that the difficulty of reaching a final agreement lay with him and his ministers.

The point where matters now stuck was the dowry. King Charles wished a guarantee in the treaty itself. The French Ambassador would only give verbal promises. It was at length agreed that the dowry should not be mentioned in the treaty but that Burlamachi, a London Merchant, on going with all the papers "to shutt up this long negotiation" should receive the money in person.

It was the end of August before Burlamachi reached Paris. The English Ambassador in France was now Sir Isaac Wake, who had just arrived from Italy. He at once took charge of the negotiations, until then carried on by De Vic and Auger, the two Secretaries of the Embassy. Informing Wake of the conditions of the negotiations, King Charles stated that the restoration of Port Royal to France was not being done in ignorance, for he well knew it did not come under the Treaty of Suza. The real reason was "an affection and desire to comply with our good brother the French King in all things that may be friendly and reasonably, though not rightly and duly, demanded of us."

It has long remained a mystery why King Charles had consented to a stipulation which pledged him to resign so important a conquest, but the mystery is explained in the discovery of a letter from the King to Sir Isaac Wake in which he urges the Ambassador to press for the payment of the remaining half of the Queen's dowry and agreed to give up Quebec and the other French Settlements on receipt of the money.

Burlamachi came to Court the 2nd September. Soon afterwards the King left Paris and the Court and Commissioners were obliged to follow. From Compiegne the King set out for Monceaux, from Monceaux after a short stay, his Majesty went on to Troyes. Their journeys, as Burlamachi wrote to Dorchester, were beginning to have the appearance of a wild goose chase, and it was not until October, when the King had finally made a halt at Fontainbleau, that the course of the negotiations was resumed.

In the first conference held on the 10th of that month, it was agreed that the English demands for wrongs suffered and ships seized should be examined by M. de Bouthillier, the Secretary for

Foreign Affairs, while Sir Isaac Wake, the English Ambassador, should check off those of the French merchants and traders. As to New France, Wake informed them he had no procuration but a donation which he could deliver when all had been adjusted, for it was an act on his master's part not of obligation but of "pure courtioise," whereas he required nothing of them but what they were bound to give in virtue of treatyes." A second conference followed some ten days later. Wake began by demanding that having first ratified the conclusions reached in England by Dorchester and Fontenay, they should next come to some final agreement about the reciprocal pretentions of the merchants and fix a day for mutual restitution. When the first point had been settled, they for some time discussed the second. Finally the proposal of Marechal de Shomberg that all the French and all the English claims should be lumped, and Burlamachi and a French merchant be made, respectively, responsible for the totals, was accepted by both sides. No day, however, was fixed for the mutual restitution.

Although Wake had gained his principal points in the last conference, he found on looking into matters that they did not really profit very greatly. There existed among his papers neither an inventory of the English goods sold in France, nor one of the French goods sold in England. For the absence of the former he wrote home; some one was to blame, and if the merchants lost by the treaty they would have only themselves to thank for it. He had difficulty about the number of furs in the Fort at Quebec at the time of its capitulation. The United Company affirmed the number to be 4,266. Kirke declared they had only found 1,713.

Scarcely had the two conferences at Fontainbleau been concluded when the Court was again under way, and after following it about for some time without any occasion presenting itself of renewing the negotiations, Burlamachi lost patience and expressed to the French Minister his intention of returning at once to England. Bouthillier begged him in Heaven's name not to think of such a step, and promised that the next place where a halt would be made the whole matter would be wound up. On reaching Metz the next conference took place on the 26th January, 1632.

As the Scottish and English Company's Agent did not appear, De Caen's statement that the number of furs left at Quebec was 4,266 was accepted as valid. Chateauneuf and Bouthillier were at last requested to draw up the treaty. "When this has been done," wrote Wake, "we have nothing more to do but to sign it."

The terms of the treaty as finally concluded were greatly in

favour of the French. Discontent in England was, therefore, general. Kirke wrote Sir Isaac Wake that it was plain that the statements of the French had been always accepted whilst those of the English were rejected.

To King Charles himself the terms of the treaty were an unpleasant surprise. It was found, indeed, that the claims of the French exceeded those of the English by some £14,330, which His Majesty was called upon to pay. Although the remaining portion of the dowry amounted to 400,000 crowns, or about the same number of pounds, the payment of the former sum greatly displeased King Charles. He said, however, for the sake of his honour he would not disavow the burden cast upon him and ordered it to be paid. Equally unpopular was the surrender of Quebec and Port Royal, which took place, as agreed, in the summer of 1632.

On the 29th March, after the Court had returned to Paris, this treaty was finally signed at St. Germain-en-Laye. Wake then handed over the orders for the surrender of Quebec and Port Royal and at the same time Burlamachi received the securities for the payment of the remaining portion of the Queen's dowry.

MAGDALEN CASEY.

References:—State Papers, Colonial Vol. 5; State Papers, France, Collection des Manuscrits relatifs a la Nouvelle France. Biggar, Trading Companies. Archives Reports.

The articles of the treaties follow:

A Treaty between Lewis XIII. *King of* France, *and* Charles I. *King of* Great Britain, *for the Restitution of* New France, Acadia *and* Canada, *and the Ships and Merchandizes taken on both sides.* March 29. 1632.

I. In the first place, on the part of his most Christian Majesty, according to the Powers given by him to the Sieurs *de Bovillon,* Counsellor of State to the King, and of his Privy Council; and *Bouthillier,* also Counsellor to the King in the said Councils, and Secretary of his Commands, a Copy whereof shall be inserted at the end of these Presents; it is promised and agreed, that the Sieurs *Lumague* and *Vanelly* shall give Caution and Security in the name of the said Majesty, and in their own private Names, presently after the signing and date of these presents, to pay in the space of two months, counting from the day of the said Date, to Sir *William Wake,* Ambassador of *Great Britain,* or any one that he shall appoint, in the City

of *Paris,* the Sum of 64246 Livres, 4 Sols and 3 Deniers, for the Merchandizes and Goods of the Ship called *James,* and the sum of 69896 Livres, 9 Sols, 2 Deniers, for the Merchandizes of the Ship called the *Bleffing,* the whole at the King's Charges; and that in fifteen days the said two Ships, the *James* and the *Bleffing,* being at present in the Port and Harbour of *Diep,* with their Ropes, Guns, Ammunition, Tackle, Furniture and Victuals, which were found at their Arrival at the said *Diep,* shall be restored to the said Lord Ambassador of *England,* or to any one whom he shall appoint; and if any thing thereof be found wanting, he shall be paid for it in Specie.

II. And as to the Ship called the *Bride,* the value of the Wines and other Merchandizes, as well as of the Body of the Ship, the Guns, Ammunition, Tackle, Furniture and Victuals of the same, shall be paid according as all these were sold at *Calais;* as also the Sums to which the rest of the said Ship, that was found in it when it was taken, shall have amounted to, shall be paid upon the foot of the last Sale made at *Calais;* for the Payment of which the said Sieurs *Lumague* or *Vanelly* shall give Caution to pay it at *Paris* to the said Lord Ambassador, or to any one whom he shall appoint in the foresaid Term.

III. On the part of his Majesty of *Great Britain,* the said Lord Ambassador, by virtue of the Power granted to him, which shall be inserted at the end of these Presents, hath promised and doth promise, for and in the name of his said Majesty, to render and restore to his most Christian Majesty all the Places possessed in *New France, Acadia* and *Canada,* by the Subjects of his Majesty of *Great Britain,* and cause them to depart from those Places. And for that effect the said Lord Ambassador shall presently, upon passing and signing these Presents, deliver to the Commissioners of the most Christian King, in good Form, the Power which he hath received from his Majesty of *Great Britain* for the Restitution of the said Places, together with the Orders of his said Majesty to such as command in Port *Royal,* Port *Quebec* and Cape *Briton,* to give up the said Places and Fort, and deliver them into the hands of those whom it shall please his most Christian Majesty to appoint, in eight days after the said Orders shall have been notified to those who do command, or shall command in the said Places; the said space of eight days being given to them to remove, in the mean time, out of the said Places and Fort, their Arms, Baggage, Merchandizes, Gold, Silver, Utensils, and in general every thing that belongs to them: to whom, and to all who live in the said Places, is granted the space of three Weeks after the expiration of the said eight days, for entering (during the said time, or sooner if possible) into their Ships, with their Arms, Ammunition, Baggage,

Gold, Silver, Utensils, Merchandizes, Furs, and in general every thing belonging to them, in order to depart thence into *England*, without any longer stay in the said Countries.

IV. And it being necessary the *English* should send to those Places to receive their People, and carry them into *England*, it is agreed, that the General of *Caen* shall pay the Charges necessary for equipping a Ship of 200 or 250 Tuns, which the *English* shall send to the said Places, *viz.* the Allowance of the said Ship for her going and returning, the Victuals for the Men, as well Seamen for carrying the Ship, as those who are of the Land, and are to be carry'd home, and their Wages; and in general every thing necessary for equipping a Ship of the said Burden for such a Voyage, according to the Usage and Custom of *England*.

V. And moreover he shall give Satisfaction for the marketable and lawful Merchandizes, which shall remain unsold in the hands of the *English* in the said Places, according to their Value in *England*, with 30 *l. per cent.* Profit in consideration of the Hazard and Risk run by Sea, and the Expence of their Carriage.

VI. The said Places shall be restored by the Subjects of his said Majesty of *Great Britain*, in the same State they were in at the time of their being taken, without demolishing of any thing that was there at the time of taking them.

VII. The Arms and Ammunition contained in the Deposition of the Sieur *Champlin*, together with the Merchandizes and Utensils which were found at *Quebeck* at the taking of it, shall be returned either in Specie or in Value, according as the Deposition of the said Sieur *Champlin* bears; and every thing declared by the said Deposition to have been found in the said Place at the taking of it, shall be returned and left in the said Fort, and put into the hands of the *French;* and if any thing shall be wanting of the number of any of the sorts of things, Satisfaction and Payment shall be made by Sir *Philip Burlamachy*, whom his most Christian Majesty shall ordain (besides the Knives, Beavers, and other Debts contracted by the *English*) what is agreed upon below; and that Satisfaction be given to the said General of *Caen*, for and in the name of all those who may have any Interest or Concern therein.

VIII. Moreover, the said Sir *Philip Burlamachy*, on the part of his Majesty of *Great Britain*, for and in the name of his said Majesty, at the Request and Command of the said Lord Ambassador, according to the Order which he has received, and also in his own private name, has promised, and does promise to pay to the said General of *Caen*,

within three months from the day of the signing and date of these Presents, for all and every the said Furs and Knives, Debts due by the Savages to the said General of *Caen*, and other Merchandizes appertaining to him, found in the said Fort of *Quebeck* in the year 1629, the Sum of Eighty Two Thousand Seven Hundred Livres.

IX. Moreover, to render and restore to him the Bark called the *Helen*, its Tackle, Guns, Ammunition and Appurtenances, according to the Memorial given in and proved before the Lords of the Council of *England*.

X. There shall be restored also to the said General of *Caen*, in the Territory of *Quebeck*, all the Barrels of Bisket, Pease, Prunes, Raisins, Flower, and other Merchandizes and Victuals, which were in the said Bark when it was taken in the year 1629. together with the Merchandizes appertaining to him, which were unloaded and left at *Quebeck* the last year, in the River of *St. Laurence* and *New France*.

XI. And besides, the said Sir *Philip Burlamachy* promises in the name aforesaid, to pay or cause to be paid in *Paris*, to any one whom his most Christian Majesty shall appoint, the Sum of Sixty Thousand Six Hundred Livres within the said time, for the Ships *Gabriel of St. Giles, St. Anne of Havre de Grace*, the *Trinity des Sables d'Olonne*, the *St. Laurence of St. Maloes*, and the *Cap du Ciel of Calais*, the Guns, Ammunition, Tackle, Ropes, Victuals and Merchandizes, and in general every thing comprized in the Inventories and Estimates of the said Ships made by the Judges of the Admiralty in *England;* as also for the Bark *d'Avis*, sent out by the Associates of Captain *Bontemps*, with the Guns, Ammunition, Tackle, Furniture, Merchandizes and Victuals, the Sum at which the said Bark and Merchandizes, Tackle, Guns and Ammunition shall be valued and sold by the Judges of the Admiralty of *England*. And the same for the Ship given by the said Captain *Bontemps* to the *English* brought over into *England*, according to the Valuation thereof, that shall be made as above.

XII. It hath been agreed, That out of the Sums to be restored by the *English* and *French*, shall be deducted the Duties of Entry, and what shall have been given for guarding the said Merchandizes, and repairing the said Ships; and particularly twelve thousand Livres for what concerns the Duties of Entry of the Merchandizes of the said General of *Caen*, and twelve thousand Livres which he is to pay for the Provisions furnished to the *French* at their Return into *England* and *France* in the year 1629.

XIII. Moreover, it has been agreed on both sides, That if since the taking of the said Ships, the *James*, the *Bleffing*, the *Gabriel* of

St. Giles, the *St. Anne* of *Havre de Grace*, the *Trinity des Sables d'Olonne*, the *St. Laurence* of *St. Malo*, the *Cap du Ciel* of *Calais*, any thing has been taken that is contained in the Inventories, and not comprized in the verbal Processes of the Sale or Estimates; as also if from the time of the taking of the said Ships any thing has been deducted or taken away that was not comprized in the Inventories made as well in *England* as in *France*, by the Officers of the Marine, and the Officers of the Admiralty; it shall be lawful for those interested and concerned in the said Ships, to provide by the ordinary Methods of Justice against such as they can prove culpable for the said Fault, in order to constrain them to make restitution of what they shall have taken away; and that they shall be obliged to do this *in folidum, folubile pro infolubili.* However the said interested Persons shall not pretend upon that account to make Reparation and Redress of their Grievances by Reprisals or Letters of Mark, either by Sea or Land.

XIV. For the Execution of what is above specify'd, all necessary Letters and Arrets shall be dispatched on both sides, and made ready in fifteen Days.

A Treaty between Lewis XIII. *King of* France, *and* Charles *I. King of* England, *for the Re-establishment of Commerce, the 29th of* March 1632.

I. It has been agreed, That all Letters of Reprisal, Mark, Arrest and Execution, which have been formerly dispatched by either of the Princes for any Cause or upon any Occasion whatsoever, touching the Subjects of the one or the other Prince, shall be revoked and declared null; so that they may not be executed after this on either side.

II. And for the future no Letters of Mark or Reprisal shall be dispatched or issued on either side for any Cause whatsoever, but after a manifest Denial, or exceeding Delay of Justice; which the Plaintiffs shall be obliged, before they can obtain the said Letters, to make appear by good Acts, and by the Ambassadors residing at the Court of the one and the other Prince being advertised of such Complaints, and Denial or Delay of Justive, even under that Caution expressly stipulated between the two Kingdoms, That altho Letters of Mark or Reprisal should be granted in the foresaid Case, nevertheless they shall not be employed or put in execution against any of the Ships, Merchandizes or Persons of the Subjects of the one or the other Prince being in the Ports, Harbours or Roads of either of the said Princes, but only against him or them who has or have committed the Fault.

III. And forasmuch as under the pretext of Search or Visit that may be made by the Men of War of the one or the other Prince, or their Subjects by Sea, of Merchant Ships, to know whether they are loaded with Merchandizes prohibited, or belonging to the Enemy, there have been several Outrages committed for the time past, which have, without any lawful Cause, hindered the Course of the said Ships, and occasioned many other great Damages to Merchants; to obviate such Inconveniences, it has been agreed, That such Men of War happening to meet at Sea such Merchant Ships, may order them to strike, which the said Merchant Ships shall be obliged to obey, and present their Licences, Commissions, and Bills of Lading to the Captains, or such as they shall send aboard the said Merchant Ships, into which more than two or three at most may not enter, nor exact or take any Duties upon pretext of the said Visit: after which if those of the said Man of War will not forbear notwithstanding this to stop the Voyage of the said Ships, whether by carrying them along with them, or obliging them to go aside out of their Course; the said People belonging to the Man of War shall in that Case be answerable for all the Expences, Damages and Interests, and besides be punished corporally, according as the Quality and Circumstances of the Fact shall require; for which Expences, Damages and Interests, not only the Delinquents shall answer, but likewise those who furnished them with Arms and Victuals, and put them to Sea.

IV. Which Captains, Furnishers of Arms and Victuals shall be obliged, before the Departure of their Ships out of the Ports or Harbours of either of the said Kingdoms, to give caution beforehand to the Admirals, their Lieutenants or Judges of the Places in *France*, or Judges of the Admiralty in *England*, for the Sum of ten thousand Livres, not to undertake any thing against the Subjects, Ships, Goods and Merchandizes of the one or the other Prince, on pain of corporal Punishment, and Confiscation of their Ships, Restitution of the Things taken, and all the Expences, Damages and Interests of the Party endamaged.

V. The Captains, Lieutenants, or Masters of Ships that shall take any Prize, shall be obliged within twenty-four Days after their Arrival to lay all the Books of Accounts, Papers, Licences, Commissions, and Bills of Loading, which they shall find in the Ships they take, before the Judge of the Admiralty or his Clerk, that so the Parties interested may take Copies thereof for their use; and where there is no Judge Admiral, the said Papers and Bills of Loading shall be put into the Hands of the King's Officers, to be sent closed and sealed to the Judge Admiral.

VI. In like manner, the said Capers shall be obliged to bring along with them the Persons whom they found in the said Ships, or at least the Captain and Master, or two or three of the principal Officers, and present them within twenty four Hours to the Judg Admiral to be examined; and in case there be no Judg Admiral, before the Mayors of the Towns or the King's Officers: And they may not hold or keep them Prisoners in their Houses beyond that time, on pain of being punished, and losing the Prize; and after the said Prisoners shall have been heard and examined, the said Judges shall be obliged to set them at liberty, to follow their Affairs as they shall think good.

VII. After the Ships are taken and brought into a Harbour or Port, the Mariners and Seamen may not be banished from thence, nor any of their Goods put ashore, without a previous Order from the Judg, and an Inventory made by him or his Deputies in preference of the principal Persons concerned, whereof a Copy shall be delivered to them from the said Judg.

VIII. The two Kings do not mean by these present Articles to derogate any thing from preceding Agreements and Treaties made betwixt them, which shall remain in their Force and Virtue, but only in so far as shall be derogated by these Presents; and particularly that the Treaties in the Years 1600 and 1610 shall be executed *bona fide.*

In Testimony whereof we the Ambassadors and Commissioners aforesaid, by virtue of our Powers, have signed the preceding Articles. At *St. Germain en Lay,* the 29th of *March* 1632. Signed *Isaac, Wake, Bouillon, Bouthillier.*

I undersigned, Resident in *France* for his Majesty of *Great Britain,* do certify that the Copy above-written is agreeable to the Original. *Auger.*

The Treaty of Breda (1667)—Ryswick (1697).

TREATY OF RYSWICK, 1697.

The treaties of Breda and Ryswick exhibit certain features which are apparent in a good many others of that period. They are couched in decorous and solemn language. We have constantly to do with "Most Serene and Most Potent Princes," with "High and Mighty Lords States General," with "Most Serene and Most Puissant Prince Mediators," etc. At times Ambassadors Extraordinary and Plenipotentiaries of their Most Sacred Royal Majesties file off in the full array of their titles and possessions. The noblest and loftiest motives, the kindliest dispositions are insistently attributed to these great and awe-inspiring personages.

Of course, from the viewpoint of the humble lecturer in this matter-of-fact world of ours, such diluted and high-toned phraseology represents so much waste, not to say treacherous, material to wade through, before getting at the real import of the document. In order to discover the true significance of treaties, it is necessary to scrutinize them carefully in the light of their historical antecedents.

As regards particularly the treaty of Breda (1667) and the treaty of Ryswick (1697), though separated by an interval of thirty years, they, on the surface, bear a close resemblance to one another. The principal signatories are in both cases the King of France and the King of England. They both terminated wars of secondary importance, inasmuch as their terms ostensibly leave the warring countries practically in the same position as that in which they were previous to the outbreak of hostilities.

However, if we look into the matter a little more closely, and shed, on the misty language of diplomacy, the light of historical enquiry, numerous points of difference, and even contrast, will appear.

True, in the Dutch war, terminated by the treaty of Breda, as in the war of the Grande-Alliance terminated by the treaty of Ryswick, England and France were participants. But, while in the Dutch war the only power concerned, besides England and France, was Holland, practically all Europe took a hand in the war of the Grande-Alliance; Holland, Spain, Savoy, Brandenburg, and the German Empire were deeply involved.

In the Dutch war, the King of France, Louis XIV, was waging war on Charles II, an English sovereign who was friendly to him personally and to his dynasty. His sole purpose in entering this war, which had broken out unexpectedly, and against his will, between England and the United Provinces, was to keep the door open to his own ambitious aims over that country, when the time would be ripe. For the time being, Louis XIV was particularly anxious that no other power should be drawn in, that England and the Stuarts should not suffer in consequence any more than himself, and that the difficulty should be promptly adjusted.

As a matter of fact, the war lasted only two years and was limited to a few encounters at sea between the English on the one hand, and the French and Dutch on the other. As regards Canada, it did not entail the slightest hardship; it passed almost unnoticed, save that Acadia, which had been seized in 1654 by a force from Boston, under secret orders from Cromwell, was restored to France.

Thirty years later, in the fight against the Grande Alliance, we find that same Louis waging war on another sovereign of England, but one especially distasteful to him, William III., who after keeping him out of the Netherlands, now headed a league of the European powers intent on breaking down the French monarchy. This war lasted nine years; it was marked by many a bloody battle on land and on sea, and New France, as well as Europe, suffered cruelly from its effects.

Under the terms of the treaty of Breda, France had recovered Acadia; under the terms of the treaty of Ryswick, she was confirmed in the possession of the greater part of Hudson Bay. However, this solitary gain afforded hardly adequate compensation for the losses suffered and the impeding of colonization during so many years. On the whole, the war against the Grande Alliance and the treaty of Ryswick, compared with the Dutch war and the treaty of Breda, was distinctly disadvantageous, nay, disastrous to France.

The Dutch war, as wound up by the treaty of Breda, had not effected any material change in the balance of the Europeon powers. On the contrary, the war against the Grande Alliance, by compelling Louis XIV to abandon the Stuart cause and to recognize William III as the rightful sovereign of England, brought about a fundamental change in the equilibrium of European politics. The treaty of Ryswick marks a turning point in the career of the French monarchy.

There can be no better preparation to the right understanding of these treaties, than to become acquainted with the changes that

have taken place in the political map of Europe, within the last four hundred years, and mainly, since the signing of these treaties of Breda and Ryswick.

Of the forty and odd independent units among which Europe was divided during the sixteenth and seventeenth centuries, about thirty have disappeared, merged, mainly by force, into the larger ones. Of the eleven units remaining, seven have never had much change of playing, for any length of time, a prominent part in the political game; while the four others, in turn, alone or combined, at intervals and for fairly long periods, have had matters pretty much their own way. On the other hand, in the meantime, three great military powers have developed, and eight nations of smaller size have sprung into existence.

Then again, I was much attracted by a sociological theory due to Henri de Tourville, and presented in "La Science Sociale" of Paris, as far back as February 1888. It points out two sets of conditions as essential to the rise and maintenance of a great power: (1) activity and freedom in the working of local or provincial institutions; (2) a strong central or state organization. The great monarchies of continental Europe are shown to have been defective in that they developed prematurely on too weak a foundation of local institutions, nay, at the expense and through the stifling of whatever there existed in the kingdom of private initiative and local government.

However, we must pass on rapidly, if, within the limited time at our disposal, we wish to become sufficiently well acquainted with the circumstances surrounding our treaties. That can readily be effected by consulting the works of Hallam, Macaulay, Green, James Bryce, and especially Lavisse and his associate editors; and, as regards Canada in particular, the works of Garneau, Parkman, LeSueur, Read, etc.

When war was formally declared between England and the United Provinces, in March, 1665, France was the dominant power in Europe, though not overwhelmingly so. The work of organization and centralization, energetically inaugurated and pushed on by Richelieu, had suffered some interruption and set-back under Cardinal Mazarin, who was entrusted with the management of things during the minority of Louis XIV. But it had since proceeded, at giant's race, under the personal supervision of the King, with the assistance of those very capable ministers, Colbert and

his son Seignelay, for the finances and the navy; Le Tellier and his son Louvois, for the army; Lionne, for foreign affairs.

While France was rapidly growing and developing her resources, Spain, formerly the "great European monarchy," was rapidly losing strength. Under Philip II, Spain had 150,000 men at her command, at a time when the king of France, Henry IV, had only 50,000. Under Philip IV of Spain, who reigned from 1621 to 1665, Spain's army still counted 100,000 men, but, to a large extent made up of mercenaries; and besides, her navy, since the defeat of the Armada, was no longer of much account. In 1667, the French army did not comprise more than 72,000 men, of whom one half only were available for field operations. But she was making rapid preparations to increase that force three or four-fold.

But France, in 1665, had in hand an asset more valuable withal than her own resources, her full command of these, or the rapid decline of Spain: I mean the good-will and friendly feeling towards her of most European nations. Just then, France very likely could not have withstood a coalition of several rival powers. But such a coalition for the time being was entirely out of question.

Portugal, the Scandinavian States, Poland, Turkey, were at one with France on the strong ground of their inveterate hatred and fear of Austria and Spain. The undoing of the Austro-Spanish political combine was of recent occurrence only, and not thorough at that. The Hapsburgs were everywhere abhorred, while France was considered as having done good service for Europe by crossing the ambitious aims of the House of Austria. On the other hand, she had as yet given to no one else but Spain (except possibly Rome and some minor Italian principalities), occasion for spite or hatred.

The German princes, also fearful of Spain, were at the same time jealous of one another, and moreover dependent on France for money. One of them, the Elector of Brandenburg, who was in time destined to outgrow his equals, with 35,000 men at his disposal, was so disquieted at Sweden's attitude and progress, that he had developed a sort of mania for concluding treaties of alliance with every power in sight. Sweden, a nation of condottieri, who in the reign of Gustavus Adolphus numbered 40,000 infantry, besides 3,500 horse, cherished hopes of one day holding power over the greater part ofthe Continent. Meanwhile, the Swedes were sorely dependent on France for a yearly subsidy; and, as a matter of fact, when the French monarchy broke down in the following century, Sweden helplessly collapsed, and for good.

There were only two powers of any account whose interests were at variance with those of France: these were Holland and England, both leading maritime powers, and both mainly Protestant. But, it should be noted, that it was not on matters of trade, or on matters of religion, that they were just then estranged from France. The United Provinces were biding their time to lay hands on the Spanish Netherlands, and so was Louis XIV. France was by no means an active competitor in trade. The Dutch had much more to fear from England on that score. Indeed, the war which broke out in 1664-65, between England and Holland, was wholly the result of commercial rivalry.

Verily, that thrifty little nation of shop-keepers, Holland, had any number of enemies in Europe: Spain, whose discomfiture she had started by revolting against her arbitrary rule; Portugal, many of whose rich colonies she had appropriated; Denmark, whose competitor she was in the world's trade; Sweden, whose purpose of turning the Baltic sea into a Swedish lake, she had defeated. She was hated as well by the German princes to whom she had been advancing large amounts, at handsome rates of interest.

One of those princes, Bernard de Galen, bishop of Munster (a man of warlike disposition, and glorying in the invention of a bomb which discharged quantities of missiles in the shape of Gothic characters and fantastic animal figures), in June, 1665, attacked by land the Dutch province of Over Yssel which had only 6,000 men to oppose to his 18,000.

Holland, though she foresaw in the French monarchy an inevitable foe on political grounds, realized that in her state of isolation and estrangement from the rest of Europe, she must conciliate her powerful neighbour. Accordingly she had been careful to bind France by a treaty of defensive alliance, as early as 1662.

Neither did Louis XIV, at the beginning of his reign have any quarrel with England, on commercial or religious grounds. For at least thirty years past, ever since Cardinal Richelieu had entered into an alliance with Gustavus Adolphus (1631), and declared war on the House of Austria, (1635), the French monarchy had been fighting the battles of Protestantism in Europe, though at times persecuting Protestants at home. Cromwell himself, who at one time seemed intent on forming and heading a league of Protestants against Catholic nations, had started by waging war on Protestant Holland, and had concluded an alliance with Cardinal Mazarin.

Now that the Stuarts had been recalled, there was no cause whatever for fearing any difficulty with the rulers of England in

respect to religion. The very brother of King Charles II, the duke of York (the future James II), was avowedly a Catholic. And while the King himself was overtly a Protestant, he was suspected, and rightly so, of strong leanings towards Catholicism; to all it was quite apparent that he was no bigot.

True, England was torn and convulsed right then by religious as well as civil feuds of a very bitter nature. But, for that very reason, her action in matters international was of less concern and less to be feared. Besides, Charles II, having resolved on governing, if possible, without heeding his people's wishes, and without depending on his people's money, was always in dire need of subsidies from France, and had a reputation of being constantly open to bribes. Thus, partly on account of the weakness of his rivals, and their invidiousness, partly on account of his own limitations in the matter of available resources, and his consequent moderation in the exercise of power, Louis XIV, found himself at that time, in effect, the arbiter of Europe. And it cannot be gainsaid, that his stand throughout that war of Holland and the conclusion of the treaty of Breda, was perfectly in keeping with so exalted a part.

The war in question was neither of Louis' making, nor to his liking. However, he felt himself bound by the pledges given to the United Provinces in that treaty of 1662. While deploring the occurrence, and most anxious to retain the friendship of England, he must inform Charles II that he considered himself bound to respect his treaty obligations and to defend Holland against all comers. Accordingly, his officials in New France were instructed to keep on the defensive, to avoid attacking the English if at all possible, though all the while making preparations to repulse the invaders. He showed the greatest concern that no offence should be given to any one, and as soon as there was an opening for peace, he hastened to conclude it on terms reasonable to all parties concerned.

It is consoling in an age when "scraps of paper" count for so little in the estimation of at least one great military power, to meet with such a show of respect for the word given. However, there is this to be said that, in 1665, the French monarchy had good reason to shun a conflict in which the greater part of Europe would have been embroiled. The French monarch's display of moderation and disinterestedness was after all the best means of staving off such a danger, and the outcome, as we know, was highly satisfactory to him for the moment, while in no way interfering with his plans of future aggrandisement.

In such princely and leisurely fashion did Louis the Great interpose himself in the Anglo-Dutch war of 1665, and, with gloved hand, contrive to bring things his own way. Thus did France succeed, solely on her good looks, as it were, and, with a modicum of loss or suffering to her people at home and on the St. Lawrence, recover her lost colony of Acadia of which she had been deprived for thirteen years.

TREATY OF RYSWICK, 1697.

But how is it that we find the situation so altered thirty years later, at the signing of the treaty of Ryswick. How is it that he who, in 1667, was the highly reverenced and magnificent arbiter of the destinies of European nations, now, in 1697, after waging war for nine years on his neighbours, shows as much anxiety as any of them to get out of the fray, and, to do so, is willing to make heavy sacrifices? The facts which concur in explaining that rather unexpected result, may be grouped under three heads: (1) the undue development of the fighting power, and at the same time of the pretensions and aggressiveness of the French monarchy; (2) the consequent increasing enmity and ill-will of the nations of Europe towards the said monarchy; (3) the necessary falling-off of the available resources within French territory.

A few figures will show how rapidly the fighting strength of the French monarchy had been growing during that period. While in 1667, the French army, all told, amounted to 72,000 men, in 1672, it numbered 196,000, of whom 120,000 were available for field operations; in 1678, that figure had reached 279,000. Though by 1689-90, the total had fallen off somewhat, it still equalled or exceeded the forces that could be sent forward by a coalition of practically the whole of Europe. When France was still in a position to recruit and maintain a force of 225,000 men, Austria, England and Spain, would not undertake to put in the field more than 20,000 men each.

Then this army of France was excellently organized, equipped and provisioned . In 1672, Holland boasted of having an army of 80,000 men, but they were ill-equipped and ill-provided with necessaries of all sorts, while the French commissariat was on the best of footing, as the rivals and foes of France readily acknowledged. The discipline enforced in the French army was to foreigners a subject of admiration. French officers were everywhere known to be superior. The commissariat was the greatest achievement of Le Tellier and Louvois. The French troops were always the first to

take the field, and as a rule, were ready to begin operations at least one month in advance of all others. As compared with those of their competitors, they were paid with greater regularity, were better clothed and better cared for.

As regards the navy, as well, France was much better equipped than her rivals. In 1672, Colbert had 194 warships at his command. In 1690, the French navy comprised 219 ships, of which 80 carried 50 or more guns; and that was exclusive of the armed merchantmen. The British and Dutch fleets combined were inferior to the French fleet, in respect to both numbers and quality.

The finances of the country, which Colbert had overhauled and set on a firmer basis, enabled the French king to procure quantities of men, material and armament and to maintain them in the best of condition. From 1661 to 1671, the yearly receipts of the Treasury had increased by 42,000,000 livres and still went on increasing.

But, in faster ratio than the revenues and means of action of Louis, did his ambitious aims and aggressiveness increase and assert themselves. Hardly a year had elapsed since the signing of the treaty of Breda before his minister of war, Louvois, was already making preparations. The French king and his court had become very arrogant. France was now feared throughout Europe. It was universally felt that to the menace of an Austro-Spanish overlordship, had succeeded the menace of an over-powerful French monarchy.

In the same way that the increase in the fighting equipment and power of the French monarchy reacted on its attitude towards foreign nations by adding to its haughtiness and aggressiveness of manner, these latter developments, in turn, had their influence on the attitude of foreign nations and made them suspicious of and unfriendly to France. As early as the end of May, 1667, (previous to the conclusion of the treaty of Breda which was signed only in July), Louis XIV had startled Europe by declaring war on Spain and invading Flanders. Hardly had the treaty of Breda been signed when Holland, France's ally in the war just ended, fearing for her own safety at the hands of her ally of yesterday, entered into a compact with England and Sweden. That was the Triple Alliance (Jan. 1668), the object of which was to protect themselves and Spain against possible attacks on the part of the French monarchy. Incidentally, they were to endeavour to reconcile Portugal and Spain. As a matter of fact, the conclusion of that alliance had the effect of

inducing Louis XIV to come to a settlement with Spain somewhat sooner than he anticipated, and peace was signed at Aix-la-Chapelle in May, 1668.

Louis had deemed it wiser just them to give way to the pressure exerted by his enemies; but, by the year following, he was once more in fighting trim and then resolved to wipe out Holland. About the same time (1669-70), he was invading the duchy of Lorraine under the pretence that its ruler had not complied with his orders of disarmament. In 1670 also, the powers concerned in the Triple Alliance of 1668 were concluding at the Hague fresh arrangements for the continuance of that alliance and trying to induce other powers, Denmark, Switzerland, and Austria, to join them.

While that was going on, the agents of the French King were by no means inactive. Of the three powers making up the Triple Alliance, two, England and Sweden, were brought back to the fold of Louis XIV, mainly on money considerations. Charles II, under the terms of the secret treaty of Dover, was to receive a yearly subsidy of 3,000,000 livres, 2,000,000 being for armaments, etc. As regards Sweden, it was a matter of outbidding Holland, and her services were finally secured to France in return for a yearly subsidy of over a millon livres. The Emperor king of Austria and the Elector of Brandenburg were heading the opposition to France; but the Emperor himself, as well as many of the German petty sovereigns, could not easily dispense with appeals to France's generosity. The Elector of Brandenburg, for instance, was kept quiet at an outlay in subsidy form of 700,000 livres.

A striking feature of that period is the waywardness and constantly shifting make-up of alliances. The policy followed by Louis XIV at that time is described by Lavisse as a mixture of bombast, craft and violence. It is the natural attitude of a great military power bent on conquest and aggrandisement. It must be said that his opponents, as a rule, did not show greater sincerity or respect for the word given, though in their case it may be suggested in palliation that they were more or less fighting to save their very existence. However, two permanent features should not be lost sight of through the variations resulting from the interference of special or momentary circumstances: the constantly growing ambition and pretensions of the French monarch, and on the other hand the ever growing strength of the alliances formed against him.

In April, 1672, Louis XIV once more announced the opening of hostilities and a little later invaded Holland, thus bringing on a war

which was to last seven years and be the cause of much misery. The year following (1673) the Grande Coalition comprising Spain, Austria, and Holland at the start, as against France and England, was formed. By 1674, practically the whole of Germany had joined the league against the French monarch and his puppet Charles II; within the Empire the Elector of Bavaria was alone in supporting France, while outside the empire, Sweden was the only power to stand by her.

In 1674, the armies of Louis XIV overran and subdued Franche-Comte, then forming part of the Spanish dominions. Though generally successful on the battlefields, France was finding it more difficult to retain the few allies remaining to her. Indeed, Charles II felt constrained to break away from her in January, 1678, and later concluded a treaty with the United Provinces; and though by the month of July following he had resumed his former alliance with Louis XIV, the latter deemed it safer to conclude peace with Holland, and that was done at Nimeguen, in August, 1678.

While this treaty of Nimeguen was far from securing to Louis XIV the advantages he had expected at the outset, it may be considered as marking the highest point of power attained by the French monarchy. The French armies had by themselves held in check the whole of Europe; France had effected some further acquisitions of territory, and once the war ended, even powers such as Denmark and Brandenburg which had opposed her, were only too glad to solicit France's interference in their favour to safeguard their own interests in the final settlement. France was then recognized by all as the dominant power in Europe; but her domination was no longer considered a boon; it was submitted to, as an unavoidable evil.

Very soon France took anew to annexing neighbouring territories, Strassburg to begin with, and the outcome was as usual the starting of a new coalition against her. In 1682, the Quadruple Alliance, made up of Holland, Austria, Sweden and Spain was formed, and though, two years later, there was concluded at Ratisbonne a twenty years truce, between France and the Emperor, on the one hand, and between France and Spain on the other, it was easy to foresee that peace could not last very long.

By 1685, France was practically isolated from the rest of Europe, at a time when Austria, having recovered Hungary and swept back the Turks, was gaining strength and had at her back the greater part of Germany. The situation was exactly reversed from what it was in the days of Richelieu. It was no longer France, it was

Austria, once more, which was heading a coalition of the European powers against the dominant monarchy, which was now France herself.

By her bullying of both foe and ally, France was getting to be generally hated. While Catholic nations took to following the lead of the Emperor King of Austria, the Protestant states flocked around William of Orange, stadholder of the United Provinces. Then both Catholic and Protestant nations joined in forming the league of Augsburg (July 1686), which comprised the Emperor, the King of Spain (on account of his Burgundian possessions), the King of Sweden (on account of his German estates), the Elector of Bavaria, etc., and some time later, the Elector of Brandenburg.

Presently there occurred a political change of paramount importance in Europe. The Stuart dynasty was overthrown, and the former stadholder of the United Provinces, William of Orange, replaced his father-in-law, James II, on the throne of England. Seventeen years previously (1672), while the French armies were threatening Amsterdam, the prince of Orange had been elected stadholder by five of the Dutch provinces, in place of De Witt, whom war had rendered unpopular and who, in fact, was murdered the following month.

Though not a man of so many parts as his predecessor, the Prince of Orange was not lacking in ability and was remarkable for courage and for tenacity of purpose. A rigid Calvinist, he was also more likely and better qualified to become a religious as well as a political leader for the Protestants in the United Provinces and throughout Europe. When, in 1685, Charles II died to be replaced by his Catholic brother James II, there was much discontent brewing in England, which the friendship shown by Louis XIV to the representative of the house of Stuart did not tend to appease. In 1689, things had come to a point that William of Orange had very little difficulty, after chasing James II out of Ireland and England, in taking possession of the throne which his father-in-law had vacated to take refuge in France.

Henceforth, William of Orange, now William III of England, had in his hands, not only the much larger resources of his newly acquired kingdom, but also indirectly those of Holland, through the good-will of his intimate friend, pensioner Heinsius. As regards the conflict raging between France and the two maritime provinces, a further element of bitterness was added. It was no longer between these nations merely a question of national rivalry and supremacy; it was also a strife between hostile and irreconcilable religious beliefs and traditions.

Then it was that a general war was declared and that Louis XIV found himself absolutely alone against a most formidable array of enemies. William III declared war on France in May, 1689. It may be of interest to note here that, among the reasons alleged by William III in vindication of his course, were the attacks directed by the colonists of New France against New York, on the one hand, and the Hudson Bay forts, on the other. The French Colonial Government, modelling itself on its metropolis, had become of late years exceedingly bold, and even reckless in its demeanour and conduct. The Grande Alliance of Vienna had just been formed; it was joined by England that same year, and also by Spain and Savoy the year following. France was actually shut in by a ring of foes. Portugal would not longer help her; Denmark insisted on being neutral; Sweden was pledged to help the Grande Alliance, and even the Holy See, in spite of tardy concessions on the part of Louis, remained obdurate. William III was the master mind of this coalition, as he had been of the opposition to France ever since he succeeded DeWitt.

France held out remarkably well under the circumstances, and scored more victories than the Allies (Fleurus, Steenkerk, Beachy Head among others). But after eight or nine years of fighting without the securing of any decisive result, the absolute necessity of putting a stop to hostilities became more and more apparent to the good sense of all the powers, and more particularly France and England.

Indeed, France could not stand any longer the drain on her vitality and her resources. The centralized monarchy of Louis XIV had, under the guise of military requirements, done away with all local franchises and activities, in order to better extend its authority. It had thus been left with a free hand in effecting the drainage of every source of revenue. But then it was not in a position to find a substitute for the private and local spirit of enterprise which had been crushed under its grip. So that production was markedly on the decrease. In 1679, in 1685, in 1693, warnings were forthcoming from the country districts that the resources of the nation were giving out. Though the receipts of the Treasury were still buoyant for some time yet, the expenditure increased at a much faster ratio. It amounted to 128,000,000 in 1679, as against 77,000,000 nine years before. While deficits were growing, the men who helped and advised the King and performed the work of administration, were not as efficient as their predecessors, and that was shown in the results. In every way the absolute monarchy was going down hill. Under Henry IV, privileges and franchises had been granted to

the French Protestants (1598); but these were repealed by Louis XIV in 1685, with the result that bitter enmities were engendered and that France lost many of her most enterprising citizens.

Fortunately for France at that moment, the nations of Europe with which she had war, were just about as exhausted as she was herself, and peace was concluded at Ryswick on September 20th and October 30th on the terms indicated previously.

The Allies had not succeeded as was their wish in bringing France back to her territorial limits as fixed by the treaties of Westphalia (1648) and the Pyrenees (1659). France, nevertheless, had to make concessions of a very grievous nature. She was forced to relinquish her hold on the duchy of Lorraine (Strasburg, however, remaining in her possession). Probably the most painful sacrifice to the pride of Louis XIV was that he had to bind himself not to support any longer the House of Stuart and to recognize William of Orange as the legitimate sovereign of England.

From that war also date some remarkable results: the weakening of the recently founded maritime power of France; the lead taken by England, and the corresponding set-back of Holland as a naval power; lastly, the ending of sovereignty by divine right in Great Britain.

As regards particularly Canada, one remarkable result of the treaty of Ryswick was the diverting of the activities of the Lemoine family, and notably of that distinguished Canadian seaman, d'Iberville, from the northern country, where there was nothing more to do, and from the valley of the St. Lawrence towards Louisiana and the valley of the Mississippi. From about that time also dates the decline of the Iroquois nation, greatly weakened by the previous war.

My sincere thanks are due to Dr. Doughty, C.M.G., Dominion Archivist, and to Miss Casey, for kindly help extended and advice given in the preparation of the foregoing paper.

ADRIENNE W. GERIN.

The principal Articles of the Treaty are as follows:—

TREATY OF BREDA, 1667.

"*The Treaty of Peace between* Lewis XIV. *of* France, *and* Charles II. *King of* England; *concluded* at Breda, *July* 21, 1667.

Article X. The said King of *Great Britain* shall also restore and give up to the above-named most Christian King, or to those who shall be intrusted or sent by him, with Powers in due form under the Great

Seal of *France*, the Country called *Acadia*, situate in *North America*, which the most Christian King formerly enjoyed; And the said King of *Great Britain*, in order to the completing of this Restitution, shall forthwith after the Ratification of this Alliance, deliver to the said most Christian King, all such Acts and Orders, expedited in due form, as are necessary for that end, or shall deliver them to those of his Ministers or Officers, who shall be appointed by him.

Article XI. If any of the Inhabitants of the Country called *Acadia*, shall rather choose to live for the future under the Dominion of the King of *Great Britain;* they shall have liberty to depart the Country within the space of one Year, the same to commence from the Day wherein the Restitution shall be actually made. They may also sell and alienate their Lands, Fields, Propertys and Slaves; and in general, all their movable and immovable Goods, or otherwise dispose of them, according to their own will and discretion. And those who shall make any Contracts with them, are bound and obliged by the authority of the most Christian King, to fulfil and execute their Agreements and Bargains. But if they shall rather choose to carry away their ready Money, Movables, Utensils, Slaves, and in general every thing they enjoy that is movable; that they may freely do without any molestation or trouble.

Under the terms of the Treaty of Breda, France recovered Acadia. Articles X and XI.

Under the terms of the Treaty of Ryswick, France was confirmed in the possession of the greater part of Hudson Bay.

TREATY OF RYSWICK, 1697.

The Articles of Peace between the most Serene and Mighty Prince William *the Third, King of* Great Britain, *and the most Serene and Mighty Prince* Lewis *the Fourteenth, the most Christian King, concluded in the Royal Palace at* Ryswick, *the* 10/20 *Day of* September, 1697.

Article VII. The most Christian King shall restore to the said King of Great Britain, all countries, islands, forts, and colonies, wheresoever situated, which the English did possess before the declaration of this present war. And in like manner the King of Great Britain shall restore to the most Christian King all countries, islands, forts and colonies, wheresoever situated, which the French did possess before the said declaration of war; and this restitution shall be made, on

both sides, within the space of six months, or sooner if it can be done. And to that end, immediately after the ratification of this treaty, each of the said Kings shall deliver, or cause to be delivered, to the other, or to commissioners authorized in his name for that purpose, all acts of concession, instruments, and necessary orders, duly made and in proper form, so that they may have their effect.

Article VIII. Commissioners shall be appointed on both sides, to examine and determine the rights and pretensions which either of the said Kings hath to the places situated in Hudson's Bay; but the possession of those places which were taken by the French, during the peace that preceded this present war, and were retaken by the English during this war, shall be left to the French, by virtue of the foregoing article. The capitulation made by the English on the fifth of September, 1696, shall be observed, according to its form and tenor; the merchandizes therein mentioned shall be restored; the governor of the fort taken there shall be set at liberty, if it be not already done; the differences arisen concerning the execution of the said capitulation, and the value of the goods there lost, shall be adjudged and determined by the said commissioners; who, immediately after the ratification of the present treaty, shall be invested with sufficient authority for settling the limits and confines of the lands to be restored on either side, by virtue of the foregoing article, and likewise for exchanging of lands, as may conduce to the mutual interest and advantage of both Kings.

Treaty of Utrecht

The Treaty of Ryswick had left unsettled the question of the boundary between Acadia and New England; and between New York and Canada; meanwhile the French retained possession of the captured posts. The growing frequency of French raids into the Iroquois country, led the confederacy to respect New France and seek peace with her. Frontenac had told them, that the western allies of France must be included in any peace, and threatened another attack upon them, if they declined these terms. Bellomont, Governor of New York, persisted that if Frontenac carried out this threat, he would march his whole army, to protect the Iroquois, whom he claimed as British subjects. But Frontenac did not live to put his plans in order for the campaign; he died in Quebec in November, 1698, and was succeeded by de Callieres.

In the following year, de Callieres and the Governor of New York, both received instructions to let the boundary dispute remain in abeyance, and join hands in repressing the Iroquois or Five Nations.

In 1701 Lamothe de Cadillac founded Detroit, in order to intercept the flow of fur traders to Albany. The founding of Detroit was against the interest of the older post, and the people of Montreal, most of whom lived by the traffic in furs, were averse to the project, as it would draw off some portion of their trade. The new post was nevertheless established, and named Fort "Ponchartrain" after the Colonial Minister at Versailles.

To offset this, the English procured a grant from the Iroquois, of their beaver hunting grounds, embracing the entire region south of the Great Lakes, westward to the Mississippi.

At that time the Iroquois were the ruling force in Canada and to their influence, could be traced the causes for the most important events in the period in which England and France struggled for the supremacy in the new world.

After rapid negotiations, peace was ratified by the Iroquois on the one side, and the French and their allies on the other; a treaty was written to which the deputies attached the symbols of their tribes. The Senacas and Onondegas, drew a spider, the Cayugas, a

calumet, the Oneidas, a forked stick, the Mohawks, a bear, the Hurons, a beaver, the Abenakis, a deer, and the Outawas, a hare.

After a grand pow-wow in Montreal, with much speech making, the Iroquois, the French and the tribes of the West joined in burying the hatchet. The authorities of New York were indignant at the success of de Callieres in thus weakening the British influence with the Five Nations. The French Ministry was informed by the Governor, of the conclusion of this advantageous peace, and urged that it should be improved; if a favorable arrangement of the boundary disputes could not be made, he demanded that the country of the Iroquois should be declared neutral, and that both nations should not make any settlements among them.

This treaty of peace with the Iroquois was scarcely concluded when the war, known in America as Queen Anne's war, and in Europe as the war of the Spanish Succession, opened. In America, the war was carried on mainly in the East, by the French against New England, and by the English against Acadia. De Callieres had received instructions not to trouble New York, but to make war on New England villages, by means of the Abenakis tribes; but de Callieres died in the spring of 1703. His successor, the Marquis de Vaudreuil, was instructed to pursue the same line of action as his predecessor. There was another reason for the virtual truce between Canada and New York. An extensive trade was growing between the fur traders of Montreal and Albany. The Iroquois shared in it, and Albany traders found it lucrative. Thus on both sides, there was an influence potent for peace between New York and Canada, while Acadia and New England settlements were experiencing all the horrors of war.

The Abenakis tribes, uneasy at the spread of English settlement in Maine, were encouraged to harass the frontier villages. The Acadian Indians also took part in these attacks, and de Vaudreuil sent some noted Canadians to head their war parties.

In 1704, a Massachusetts force ravaged the Acadian posts, from Penobscot around the settlement in the Annapolis Valley. They spared the lives of the peasants but not their goods, and threatened that if there were any more raids on the New England frontier, the Indians friendly to the English, would be let loose to work their will on the Acadians.

In 1707, two attempts were made to capture Port Royal, but both failed through bad management on the part of those in command.

In all these attacks upon Acadian settlements, French prisoners were taken, in order to exchange them for English prisoners captured in the frontier raids.

In 1708, the New England colonies had become so exasperated at the persistent raiding of their frontier settlements that an expedition was planned for the following year against Canada.

Samuel Vetch, (who afterwards became the first Governor of Nova Scotia), went to London, and returned with promise of help from England. A fleet with troops was to follow, and the colonies accordingly gathered their militia at Boston, awaiting their arrival. A land force under Francis Nicholson was to co-operate in the capture of Canada. However, word reached Nicholson that the British fleet had been sent to Portugal instead of America, and that in consequence the capture of Canada must be deferred.

The next year, 1710, an expedition was dispatched to take Acadia. Nicholson was again in command. Port Royal, the only garrison in Acadia, was captured. This meant the capture of all Acadia, which thus passed out of the hands of the French. Port Royal was re-christened Annapolis Royal. Vetch was left in command of the British garrison, and the fort, often threatened, was held throughout the remaining years of the war.

In 1711 an attack upon Quebec was attempted. Both Admiral and General were utterly incompetent for the task they had undertaken. Through bad steering the fleet ran upon the south shore of the St. Lawrence shortly after entering the river. A number of the ships of war and transports were wrecked, and nearly a thousand men were drowned.

During the last few years before the Treaty of Utrecht was concluded, the colony was absorbed in preparations for defence against the threatened attacks from the English by sea and land.

In 1713 a Congress of Ambassadors assembled at Utrecht to formulate a Treaty. Louis XIV made great exertions to preserve his Canadian possession intact, but Great Britain was resolved to retain Nova Scotia, with the fisheries of Newfoundland, and vast unknown regions of Hudson's Bay, and the nominal sovereignty of the Iroquois.

Some extracts of the Treaty are:—

"That there be a universal peace, true and sincere friendship, between the Most Serene and Most Potent Princesse Anne, Queen of Great Britain, and the Most Potent Prince Louis XIV, King of

France and their heirs and successors, also the kingdoms, states and subjects of both as well without and within Europe.

Article X states: "The said King shall restore to the Kingdom and the Queen of Great Britain, to be possessed in full right forever, the bay and straits of Hudson, together with all lands, seas, and sea coasts, rivers, and places situated in the said bay and straits, and what belong thereunto, no tracts of land being excepted where at the present time possessed by the subjects of France; all which, as well as any buildings there made ,in the condition they now are; likewise all fortresses there erected, either before or since the French seized the same, shall within six months of the present treaty, or sooner if possible, be well and truly delivered to British subjects, having commissions from the Queen of Great Britain, to demand and receive the same, entire and undiminished, together with all cannon and cannon ball which are therein, also powder, if it be there found, in proportion to the cannon, with other provisions of war, usually belonging to cannon.

It is however provided that it may be entirely free for the company of Quebec and all other subjects of the King, to go by land or sea wheresoever they please, out of the land of the said bay, together with all their goods and merchandizes, arms and effects of what nature and conditions soever, except such things as are above reserved in this article. But, it is agreed on both sides, to determine within a year by Commissioners, to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French, which limits, both the British and French subjects, shall be wholly forbid to pass over, or thereby, to go to each other, by sea or by land.

The same Commissioners shall also have orders, to describe and settle in like manner, the boundaries between the other British and French colonies in these parts.

Article XI. The above mentioned and King of France, shall take care, that satisfaction be given according to the rule of justice and equity, to the English company trading to the Bay of Hudson, for all damages and spoil done to their colonies, ships, persons and goods, by the hostile incursions and depredations of the French in times of peace; an estimate being made thereof, by Commissioners, to be named at the requisition of each party. The same Commissioners shall moreover inquire as well, into the complaints of British subjects, concerning ships taken by the French in time of peace, as

well in like manner into all disputes of this kind, which shall be found to have arisen between both nations, and due justice shall be done, on both sides, without delay.

Article XII. The King of France shall take care to have delivered to the Queen of Great Britain, on the same day that the ratification of this treaty shall be exchanged, solemn and authentic letters or instruments, by virtue of which shall appear, that the Island of St. Christopher, is to be possessed alone, hereafter, by the British subjects, likewise all Nova Scotia, all Acadia with its ancient boundaries, as also the City of Port Royal, (now called Annapolis) and all other things in these parts, which depend on the said lands and islands, together with the dominion propriety and possession of the said lands, islands and places, and all rights whatsoever by the treaties, or by any other way obtained; which the Crown of France, or any subject thereof, have hitherto had to the said islands, lands and places, and the inhabitants of the same, are yielded, and made over to the Queen of Great Britain and to her Crown forever, as the King of France doth at present yield, and make over, all the particulars above said, and that in such ample manner and form, that the subjects of the King shall hereafter be excluded from all kinds of fishing in the said seas, bays, and other places on the coast of Nova Scotia, that is to say, on those which lie towards the east, within thirty leagues, beginning from the island called Sable, inclusively, and thence, stretching along, toward the south-west."

The Treaty of Utrecht, as one of our historians puts it, "Is the half-way house and turning point, in the history of Newfoundland," as you will see, by the following article:

XIII. "The island called Newfoundland, with the adjacent islands, shall from this time forward, belong of right, wholly, to Britain, and to that end, the town and fortress of Placentia, and whatever other places in the said island, in possession of the French, shall be yielded and given up within seven months from the exchange of the ratifications of this treaty, or sooner if possible, by the King of France, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the successors or any of their subjects, at any time hereafter, lay claim to any right, to the said island, and islands. Moreover, it shall not be lawful for the subjects of France to fortify any place on the said island of Newfoundland, or to erect any buildings there, besides, stages made of boards, and huts necessary and useful for drying fish, or to resort

to the said island beyond the time necessary for fishing and drying fish. But, it shall be allowed to the subjects of France, to catch fish and dry them on land, in that part only, and in no other besides that of the said island of Newfoundland, which stretches from the place called Cape Bonavista, to the northern point of the said island, and from thence, running down by the western side, reaches as far as the place called Port Riche. But the island called Cape Breton, as also others, both in the mouth of the St. Lawrence and in the Gulf of the same name, shall hereafter belong of right to the French, and the King of France shall have all manner of liberty to fortify any place or places there.

XIV. It is expressly provided, that in the said places, and colonies to be yielded and restored by the King of France, in pursuance of this treaty, the subjects of the said King may have liberty to remove themselves within a year, to any place, as they shall think fit, together with all their movable effects, but those who are willing to remain there, and to be subjects to the Kingdom of Great Britain, are to enjoy the free exercise of their religion, according to the usage of the Church of Rome, as far as the laws of Great Britain do allow.

XV. The subjects of France inhabiting Canada, and others, shall hereafter give no hindrance or molestation to the Five Nations or Cantons of Indians, subject to the Dominion of Great Britain, nor to the other Indians of America who are friends to the same. In like manner, the subjects of Great Britain shall behave themselves peaceably towards the Americans who are subjects or friends to France, and on both sides they shall enjoy full liberty of going and coming on account of trade. As also, the Nations of these countries shall with the same liberty, resort as they please, to the British and French colonists, for promoting trade, on the one side and the other, without any molestation or hindrance, either on the part of the British, or the French subjects. But, it is to be exactly and distinctly settled by Commissioners, who are, and who ought to be accounted, the subjects and friends of Britain and of France."

This Treaty was signed in Utrecht the 11th of April, 1713.

After the Treaty of Utrecht, the French retired from the northern waters, and the company was for a time free from any further local disturbances, but their rivals, being ejected from the bay, increased their efforts in other directions, to regain the trade that for years had gone to the northern posts. The opposition was

not from New France alone, as a new competitor soon entered the field, who also had to be reckoned with. The Governor of New York, recognizing that direct trade with the Indians would be more profitable than the indirect exchange of merchandise for furs, through the traders of Montreal and Quebec, prohibited the latter by an Act of the Assembly, and to foster the former, caused a post to be established at Oswego, on Lake Ontario. The merchants upon the St. Lawrence, who had served as middlemen between the Indians and the New York tradesmen, were by this means deprived of no small portion of their business. This unexpected interruption of the trade passing down Lake Ontario, hastened the Frenchmen to venture further west, into the remotest hunting grounds, and greater inducements were held out to the "Coureurs des Bois" to secure the cargoes for the Canadian warehouses. New territories were being explored, new tribes drawn into the trade, and new posts opened up. The competitors, large and small, often followed the same trail, and as sometimes occurred, but a few furlongs separated their respective encampments, and the silent forest was the only witness of many a contest over a disputed bale of furs. In these conflicts it was not always a case of English against French, or the St. Lawrence against Hudson Bay, but many a lawless bush-ranger, in need of a new gun or ammunition, would not stop to enquire the nationality or allegiance of the owner of a passing canoe, if he considered its contents would furnish him with the wherewithal to purchase his pressing needs.

The conditions of the Treaty left unsettled many questions material to the strength, development, and even the existence of Canada. In fact, the boundary was never determined by the Commissioners appointed under the Treaty of Utrecht. It remained unsettled until Canada became a British Province. It remained undetermined until it was defined by the Imperial Act of 1889, which settled the northern boundary of Canada.

CORDELIE E. RHEAUME.

March 12th, 1915.

The authorities referred to in preparation of this paper were: Rogers, "Historical Geography of British Colonies"; Housten, "Constitution of Canada"; Mullin's, "History of Canada"; Herrington's "The Evolution of the Prairie Provinces"; "Canada and its Provinces," Edited by Dr. A. G. Doughty and Dr. Adam Shortt.

Treaty of Aix-la-Chapelle, 1748

The Treaty of Aix-la-Chapelle, 1748, is printed from the copy which was published by authority in 1749.

It is too long to cite it textually. I shall give you only a synopsis of it and mention the particular clauses thereof, relating to Canada.

In the Spring of 1748, the English, annoyed at the Dutch for refusing to take their share of the debt of the Russian Allies, took the initiative of peace propositions.

Maria-Theresa, Queen of Austria, Hungary and Bohemia, &c., angered at the doings of the King of Sardinia, did as much on her side.

The French Envoy, San Severino, of Italian descent, was selected to decide what action should be taken. He soon found out that England alone could stand the struggle, at least on the seas, and offer, by her colonial conquests, compensation for the restitutions offered by France.

So, after a short conference with the Austrian Ambassador, Kaunitz, he decided to confer with England, and in a few hours of conversation, with Lord Sandwich, the preliminaries of peace were drafted in haste and signed by them.

It took six months to get it into a definite shape. Spain and Sardinia lingered in giving their adhesion, as they were only half satisfied in their hopes. However, they finally signed. Austria resisted actively and lengthily, as she was losing thereby some prestige in Italy and otherwise, but also gave in to the agreement of the English and French Plenipotentiaries.

In the conclusion of this Treaty, Louis XV displayed some chivalrous inclinations. He had declared that he wished to make peace, not after the fashion of a merchant, but like a King. His Plenipotentiary, San Severino, was accordingly not slow in coming to an agreement with his English colleague, Lord Sandwich, and the preliminaries of peace between France and England were signed on April 30th, 1748.

The establishment of friendly relations with Austria, represented by Kaunitz, was a more protracted affair. He signed on the 25th of May only. Spain decided only on the 28th of June. And the general peace was not concluded until October 18th, and subsequent dates.

So far as France was concerned, the conditions agreed upon in this Treaty, were not in proportion either to the sacrifices entailed by a long war, or to the successes she had met with during the later campaigns. The King of France restored all the fortresses captured by his forces in the Netherlands and in Italy. In America, he regained possession of Louisburg and Cape Breton. There was no determination of boundaries between French and English possessions in America, the only stipulation being that matters should be restored to their original footing, and that the frontiers should remain as determined by the Treaty of Utrecht. But England obtained the demolition of the coast defences of Dunkirk and the exclusion of the Stuarts from the Realm of France.

The Peace of Aix-la-Chapelle, which the imagination of Louis XV had for a moment pictured as destined, thanks to his moderation, to be a perpetual peace, was to be short lived. Between France and England, above all, there were rivalries of every description, which could not fail to provoke a further conflict. The essential cause of this jealousy was the struggle for supremacy on the sea and in the colonies, the two being linked indissolubly together.

On the one hand, England was eager to profit by the advantage already gained and to prevent her rival from reorganizing her maritime power. In France, besides the discontent created by the terms of the Treaty of Aix-la-Chapelle, there was clear comprehension of the fact that a strong navy was necessary to protect the merchant service and the colonial trade, and a strong impetus was thus given to naval reform, while at the same time, praiseworthy efforts were made to restore order in the financial department.

The ink was scarcely dry on the Treaty of Peace, when the permanent causes of antagonism between France and England, found fresh fuel and natural opportunities for breaking forth anew, in the daily conflicts between the colonies of the two countries, at all their points of mutual contact.

Chosen in January, 1748, the Plenipotentiaries met only in April. They were, for France, an Italian, Count Saint-Severin d'Argon, the son of an ex-Minister of the Duke of Parma, favourite of the Prince of Conti. He was wise, and well up in the art of plotting. For

England, Lord Sandwich, of whom I shall speak later. For Austria, Count Kaunitz. For Spain, Don Jacques Massonas de Lima y Sotto Major. For Sardinia, the Knight Ossonio. For Holland, Count Bentinck and Baron de Wassenaer.

John Montagu, Fourth Earl of Sandwich (1718-1792), born November 3rd, 1718; was the eldest son of Edward Richard Montagu, Viscount Hinchinbroke, and was grandson of Edward, third Earl of Sandwich, whom he succeeded in the Peerage at the age of eleven.

His frequent absences from England and his duties at the Admiralty, must have rendered his military service purely nominal, but he rose to the highest ranks in regular gradation and, at his death, was the senior general on the list.

In July, 1746, he was appointed Plenipotentiary at the conferences at Breda, and he continued to represent the interests of his country in the tangled negotiations of 1747, and at the conclusion of the treaty at Aix-la-Chapelle in 1748. His youth (he was only thirty), led the French Plenipotentiary, the Count Saint-Severin, to suppose that some advantage might be won from his inexperience, and he assured Lord Sandwich that he had proofs that Austria and Spain had agreed on a separate treaty. This statement, which had not a word of truth in it, necessarily puzzled Lord Sandwich, though it does not seem to have materially affected his conduct, and the terms on which he agreed with Saint-Severin, were essentially those which had been proposed at the beginning.

The reigning Sovereigns at that time were: in England, George II; in France, Louis XV; in Austria, Maria-Theresa; in Sardinia, King Charles Emmanuel III; in Spain, Philip V, and, after his decease, Ferdinand VI.

No country was satisfied with the Treaty, except Holland. Reduced to the last extremities, the Dutch praised the moderation of Louis XV. Spain was indignant at France, for having once again decided her interests without having warned her. The King of Sardinia declared himself sacrificed, protesting that he obtained only insignificant advantages. Maria-Theresa, regretted sincerely having to give up Silesia; she swore to have her revenge. In England, merchants and colonials complained bitterly.

A photographed copy of the Treaty is in the Parliamentary Library, at the disposal of any one who would wish to read it at length.

ALICE B. LELIEVRE.

Subjoined is the Article relating to Canada:—

Article IX. In consideration that, notwithstanding the reciprocal engagements taken by the eighteenth article of the preliminaries, importing that all the restitutions and cessions should be carried on equally, and should be executed at the same time, his most Christian Majesty engages, by the sixth article of the present treaty, to restore within the space of six weeks, or sooner if possible, to be reckoned from the day of the exchange of ratifications of the present treaty, all the conquests which he has made in the Low Countries; whereas it is not possible, considering the distance of the countries, that what relates to America should be effected within the same time, or even to fix the time of its entire execution; his Britannic Majesty likewise engages on his part to send to his most Christian Majesty, immediately after the exchange of the ratifications of the present treaty, two persons of rank and consideration, who shall remain there as hostages, till there shall be received a certain and authentic account of the restitution of Isle Royal, called Cape Breton, and of all the conquests which the arms or subjects of his Britannic Majesty may have made, before or after the signing of the preliminaries, in the East and West Indies.

Their Britannic and most Christian Majesties oblige themselves likewise to cause to be delivered, upon the exchange of the ratifications of the present treaty, the duplicates of the orders addressed to the commissaries appointed to restore and receive, respectively, whatever may have been conquered on either side in th said East and West Indies, agreeably to the second article of the preliminaries, and to the declarations of the 21st and 31st of May, and the 8th of July last, in regard to what concerns the said conquests in the East and West Indies. Provided nevertheless, that Isle Royal, called Cape Breton, shall be restored, with all the artillery and warlike stores which have been found therein on the day of its surrender, conformably to the inventories which have been made thereof, and in the condition that the said place was in on the said day of its surrender. As to the other restitutions, they shall take place conformably to the meaning of the second article of the preliminaries, and of the declarations and convention of the 21st and 31st of May, and the 8th of July last, in the condition in which things were on the 11th of June, N.S. in the West Indies, and on the 31st of October also, N.S. in the East Indies. And everything besides shall be re-established on the foot that they were or ought to be before the present war.

The said respective commissaries, as well those for the West, as

those for the East Indies, shall be ready to set out on the first advice that their Britannic and most Christian Majesties shall receive of the exchange of the ratifications, furnished with all the necessary instructions, commissions, powers, and orders, for the most expeditious accomplishment of their said Majesties intentions, and of the engagements taken by the present treaty.

The Treaty of Paris, 1763

Of this treaty George III said, "Never did England, nor, I believe, any other power in Europe, sign such a treaty before"—and this, in spite of the fact that, favourable as it was, Great Britain failed to reap the full reward of the hard-fought and prolonged struggle of the Seven Years War, owing to the incapacity, or worse, of Pitt's supplanter, the Earl of Bute, and his incompetent negotiator, the Duke of Bedford.

Through the tornado of strife, guided by the genius of Pitt, England had emerged from an abyss of weakness to a first place among the great nations of the world; and while as foreseen by "the greatest statesman of his time" there were elements of weakness in the concluding treaty which he would not have countenanced, feeling them to be incompatible with the greatness and security of the empire, nevertheless its provisions are a remarkable tribute to the prowess of British arms by land and sea. It gave to England more than half a continent in the Western Hemisphere, an empire in the far East, island possessions in the East and West Indies, and made her mistress of the seas. Of the latter Carlyle says:—"Not only "liberty of the seas, but if she were not wiser, dominion of them; "guardianship of liberty for all others whatsoever." This alone was undoubtedly a colossal achievement, the vastness and far-reaching consequences of which are difficult to state.

Tremendous was the accession of power and territory, but titanic also had been the struggle, in which practically all Europe, except Prussia and Portugal, had at one time or another been arrayed against Great Britain. To trace the causes and course of the war from the European point of view, and its full results as embodied in the Treaty, is not possible. Our concern today is with Canada's place in a settlement which left practically the whole continent of North America in Britain's keeping, and forever settled the question of predominance between the French and English colonies, freeing the latter from the raids and expeditions which for a century and a half had disturbed and delayed their development.

To revivify the dramatic personae of this event, even those in whom we are most interested—George II and his successor George

III, the great Pitt, and those who snatched from his well-earned honours just when his genius had made England's final triumph sure,—the court of Louis XV, governed by favourites and represented at the treaty making by the astute and unscrupulous de Choiseul; and the representatives in Canada of these two great contending nations; to shew you the arrogant Court of Spain, striving to the last, with de Choiseul's help, to take advantage of Lord Bute's weakness, and lastly, the king of Portugal, invited to accede to the stipulations, though not one of the high contracting parties—this would be a fascinating subject, but for today our purpose is to get an intelligent view of the situation in Canada. To do this let us first turn back for a moment to the period discussed in the concluding paper of our recent Battlefields series—the Fall of Quebec, 1759. This profoundly significant victory, whilst not the final stroke in the struggle between Britain and France for supremacy in Canada, undoubtedly rang the knell of French domination, although the fighting was not all over, when the golden lillies of France were replaced on the ramparts of Quebec by the Royal Standard of Great Britain and Empire.

The gallant though futile attempt at Ste. Foye was yet to be made. The French forts south and west remained to be reduced, and Montreal held out for a year. Even then there were many, among them the Marquis de Vaudreuil, Governor of Canada and Lieut.-General of His Most Christian Majesty, with other faithful subjects to France, who still hoped that, utterly defeated in arms though New France was, there might yet occur some European complication, some turn in the wheel of Fortune, which would save the colony to the Crown of Louis, and in the capitulation of Montreal (Art. 13), regarding the departure of the Governor, it was stipulated that if before or after his embarkation "news of peace arrives and Canada " by treaty remains to France, the Marquis shall return to Quebec " or Montreal, and everything shall return to its former state under " the dominion of His Most Christian Majesty; and the present " capitulation shall be null and void."

But all unknown to these gallant hearts, the clock of time had already struck the hour of fate. French power in North America had ceased. The era of Britain's care and fostering influence, initiated after the fall of Quebec, was to persist far into the future, although the continuance of the deadly struggle in Europe delayed for three years the final denouement.

It is agreed by all reputable historians of whatever nationality

that the concluding years of French rule had shewn little regard for the common people. In the Court of Louis the highest appointments, to the colony, as elsewhere, rested upon the smiles of a favourite, and in New France a horde of minor officials fattened on the extortions of a Cadet or a Bigot. Officialdom was absolute. There was not even a vestige of popular government. Few of the settlers could read or write; for those who could, there were no newspapers or other public means of news communication and gross ignorance of affairs, both inside and outside the colony, prevailed. The people had thus been an easy prey to unscrupulous overlords; nevertheless, when word of the regne militaire, introduced under General Murray and the other two military governors, filtered through to the "habitants," it was feared and hated. Another device for their humiliation and oppression, thought these defenceless people,—and imposed this time by the foreign conqueror. A brief trial, however, convinced them that, instead of the harsh and unjust rule they had expected, the new regime was an amazement of justice and humanity. The fact that practically none of the sixty or seventy thousand French inhabitants of the colony took advantage of the provisions of Article 36 in the capitulation of Montreal, of liberty to return to France, should be sufficient proof of this happy state of affairs. If further proof be required, the opinions expressed, after careful investigation, by the following French Canadian writers should suffice. I refer to Mr. Jacob Viger, Dr. Labrie, and Judge Mondelet. These were not politicians, intent on exciting the passions, and trading on the prejudices of their countrymen. They were men of honour, lovers of their race and country, who had deep at heart, a desire for the advancement and prosperity of French Canadians. The Abbe Raynal, a celebrated French author, might also be cited in this regard. Public interest in the affairs of the colony was later decidedly stimulated by the publication in June, 1764, of the first, and for twenty-five years, the only newspaper in Canada, viz., the "Quebec Gazette," having both French and English columns. The copy, which, by the kindness of the Dominion Archivist, Dr. Doughty, I am permitted to shew you, is an interesting specimen of early journalism, as well as a chronicle of pioneer days.

It was thus to a people prepared by over four years' experience of British liberty and fair play that the Royal Proclamation of the great treaty finally came in August, 1764, nearly eighteen months after the ratification signed at Versailles on the 10th February, 1763, and nearly five years after the Fall of Quebec. The actual participants and signatories were the Kings of the countries previ-

ously referred to, and their plenipotentiaries, who are described as follows in the preamble to the treaty, the first words of which are: "In the Name of the Most Holy and Undivided Trinity, His Sacred "Majesty, the King of Great Britain,—the Most Illustrious and "Most Excellent Lord, John Duke and Earl of Bedford, Marquis "of Tavistock, his Minister of State, Lieutenant-General of his "armies, Keeper of His Privy Seal, Knight of the Most Noble Order "of the Garter, and his Ambassador Extraordinary, and Minister "Plenipotentiary to His Most Christian Majesty; His Sacred "Majesty the Most Christian King—the Most Illustrious and Most "Excellent Lord, Caesar Gabriel de Choiseul, Duke of Praslin, Peer "of France, Knight of His Orders, Lieutenant-General of his Armies, "and of the Province of Brittany, Counsellor of all his Councils, and "Minister and Secretary of State and of his Commands and Finances "—His Sacred Majesty the Catholic King—the Most Illustrious and "Most Excellent Lord, Don Jerome Grimaldi, Marquis de Grimaldi, "Knight of the Most Christian King's Orders, Gentleman of his "Catholic Majesty's Bedchamber in Employment and his Ambas-"sador Extraordinary to his Most Christian Majesty; His Sacred "Majesty, the Most Faithful King,—the Most Illustrious and Most "Excellent Lord, Martin de Mello and Castro, professed of the "Order of Christ, of his Most Faithful Majesty's Council, and his "Ambassador and Minister Plenipotentiary to his Most Christian "Majesty." These illustrious persons were, in common parlance, the Kings of Great Britain, France, Spain and Portugal, viz, George III, Louis XV, Charles III and Joseph Emmanuel, respectively, and their plenipotentiaries, the Earl of Bedford, the Duc de Choiseul, the Marquis Grimaldi, and the Chevalier de Mello.

As to the Articles of the Treaty, it is obviously impossible to deal with any other than those mose closely affecting Canada, viz., Articles II, IV, V, VI, the substance of which I shall try to give as briefly as possible.

Article IV gave to Great Britain Canada "with all its depen-"dencies, Nova Scotia, Cape Breton, and all the other islands and "coasts in the gulph and river St. Lawrence and in general every-"thing that depends on the said countries, lands, islands and coasts." Provision was made for liberty of the Roman Catholic religion, "as far as the laws of Great Britain will permit"; and French subjects were to be allowed to sell their estates and retire from Canada if they so desired within a certain specified time.

Article II recites the previous treaties renewed and confirmed, chief of which, as concerning Canada, is the Treaty of Utrecht, 1713, with its legacy of troublous fishing privileges. It was this point that gave rise to Pitt's strenuous opposition. He desired that the peace should be free from the danger of future complications which his astute mind foresaw, and which, as we all know, did actually occur. He would not have allowed to the French Nova Scotia and Cape Breton under specified limitations as set forth in Article V. His political experience with the Treaty of Utrecht had taught him the folly of the fishing clauses admitted at that Peace, and he had avowed that no such treaty should again pass while he could oppose it. "I contended," he said, "during the debate in Parliament, for "the whole exclusive fishery, but I was over-ruled, not by the "foreign enemy, but by another enemy." (Meaning Lord Bute). The years have fully justified Pitt. The fishery dilemna has been a painful heritage of the incapable Bute, whose power was that of a personal favourite of a young, inexperienced and most autocratic king, and against whom the wise, patriotic and far-seeing statesman was powerless.

Article VI ceded the inland islands of St. Pierre and Miquelon in full right, with certain restrictions, to France, this also being a fishery matter.

The map which accompanied the Treaty is a curious illustration of the prevailing ignorance of the real geographical delimitations of Canada.

The royal proclamation gave the new Province or Government of Quebec, as it was called, as "bounded on the Labrador Coast by "the River St. John, and from thence by a line drawn from the "head of that river, through Lake St. John, to the south end of the "Lake Nipissm; from whence the said line, crossing the River St. "Lawrence, and the Lake Champlain in forty-five degrees of north "latitude, passes themselves into the said River St. Lawrence, from "those which fall into the sea; and also along the north coast of the "Baye des Chaleurs, and the coast of the Gulph of St. Lawrence to "Cape Rosiers, and from thence crossing the mouth of the River "St. Lawrence by the west end of the Island of Anticosti, terminates "at the aforesaid River St. John."

When it is remembered that Newfoundland, Labrador, and the Hudson Bay Country to the north and west were already British, as well as the Atlantic seaboard to the south, and that the western

boundary of Britain's possessions south of the St. Lawrence and the Great Lakes were by this treaty fixed as a line drawn through the Mississippi river, from its source down to New Orleans, the extent of England's domain in the Western hemisphere may be appreciated —a tremendous heritage indeed, to be held and developed. For the four new provinces acquired, Canada being one only of the four into which the newly acquired territory was divided (Quebec, West Florida, East Florida, and Grenada), governors were appointed. "Power and direction was given that so soon as the state and cir- "cumstances of the said colonies will admit thereof, they shall, with "the advice and consent of the members of our Council, summon and "call general assemblies, within the said governments respectively, "in such manner and form as is used and directed in those colonies "and provinces in America which are under our immediate govern- "ment." (Probably New York, Pennsylvania, etc.)

The Governor "with the assistance of the councils and repre- sentatives of the people," was to "make, constitute and ordain laws, "statutes and ordinances for the public peace, welfare, and good "government of our said colonies, and of the people and inhabitants "thereof, as near as may be agreeable to the laws of England."

Courts of judicature and public justice were to be constituted "for the hearing and determining all causes, as well criminal as "civil, according to law and equity, and as near as may be, agree- "able to the laws of England," with liberty to appeal to the Privy Council.

Those who had served the King, officers and soldiers, both land and naval, were to receive generous and valuable grants of land. Great frauds and abuses having been committed in land trafficing with the Indians, to the great dissatisfaction of the latter, the strictest measures were to be taken to prevent such irregularities in the future.

Provision was also specially made for the development of the coast fisheries.

Thus was opened from the donjon keep of absolutism and oppression in New France, a gateway for the new Province of Quebec to responsible government, the great bulwark of liberty, wherever British rule holds sway

The task of initiating this beneficent regime, with all its stupendous undertakings, was laid upon General Murray, who had

been present at the siege of Quebec, and after its capitulation, had served at that point as one of the three military governors of Canada during the interregnum. To him came the Royal Commission of King George, beginning as follows:—"George III, by the grace of "God, of Great Britain, France and Ireland, King, Defender of the "Faith, &c., to our trusty and well-beloved James Murray, Esq., "greeting: We reposing especial trust and confidence in the pru- "dence, courage, and loyalty of you, the said James Murray, of our "especial grace, certain knowledge, and mere motion, have thought "fit to constitute and appoint you, the said James Murray, to be "Captain-General and Governor-in-Chief in and over our province "of Quebec in America."

The boundaries of the Province are again described in the Commission. Governor Murray is given power and authority "to summon and call general assemblies of the freeholders and planters" within his government at his discretion or according to further instruction. It prescribes the form of oaths to be taken by the members-elect of the Assembly, and provides for the appointment of Commissioners to administer the same. It rehearses the Governor's duties, already quoted, as regards the law-making functions, &c. These and directions as regards the establishment of the courts and the appointment of judges, justices of the peace, &c., are the chief authorizations and requirements of the Commission, which can elsewhere be found verbatim, in Houston's "Constitutional Documents of Canada."

The duties of the new governor were sufficiently responsible. They entailed not only the enactment of technical law and form of procedure,—matters of high importance,—but they also exacted the delicate obligation of re-establishing the amenities of social life, with the accompanying teachings of civilization. Personal liberty and progress were to be safeguarded, differences of religion and political thought to be governed by law and reason, property of both red and white inhabitants to be held inviolable from spoilation; and the fields in which reward should be attainable by merit thrown open to labour, enterprise and probity.

A mutiny of the troops was one of the first serious troubles to confront the new Governor, but his wisdom and firmness soon quieted it. He and his officers received the thanks of the King for their conduct on this occasion.

The regulations as to Indian lands caused great dissatisfaction. Enormous encroachments by evil and secret means had been made

on the Indian hunting grounds, and those concerned in the matter were such that Johnson said, in representing the matter to the Lords of Trade of Great Britain, that he feared legal proceedings would be useless, "because so many persons are interested in it, particularly "the principal lawyers of this Province, persons whose influence "and authority can be fully shewn, amongst whom I shall not "scruple to affirm are some of the most selfish and interested per- "sons in His Majesty's dominions." The Imperial policy of protecting the Indians was therefore most unpopular. The evil effect of the enmity of the Indians was entirely lost sight of apparently, notwithstanding the frightful experiences of the Indian war, known as the Conspiracy of Pontiac, so recently quelled, and at such terrible cost.

The difficulties which met Governor Murray at this time might well have appalled the stoutest heart. The Home appointments were bad—the result of the venal state of affairs in English politics, the Canadians shewed little forbearance in the unavoidable transition period. Murray did heroic work. He reconstructed his Council, established the courts of justice, the King's Bench at Quebec, a Court of Assize at Montreal, and at Three Rivers a Court of Common Pleas. Trials were to be by jury if demanded by either party to a cause. Justices of the Peace were appointed. Ordnances were passed establishing the currency and regulating the sale of bread, also regarding property and the age of majority. No Assembly such as provided for in the Proclamation and Commission was ever called, Governor Murray, acting on advice, declined to proceed on his authority therein.

Confusion in the administration of justice was inevitable, considering the opinions held even by those high in authority respecting the advisability of retaining French civil law, &c., and clashes between differing factions actually occurred. In October, 1764, the first Quarter Session Grand Jury met in Quebec. As might have been expected the people scarcely knew or appreciated their new rights and obligations; but the criticism of the new legal arrangements as embodied in the Grand Jury's presentment, was an astonishment of ignorance and fanaticism, as well as of some wilful misrepresentation. The presiding judges listened in bewilderment, and then, recognizing the unwarrantable pretensions of such a body, (whose first duty should have been patience, consideration of what was due to others, and a liberal estimate of the circumstances under which the new order of things was to be applied)—proceeded to take up the accusations *seriatim* and settle them summarily. Further

opposition arose and His Majesty, appealed to by both sides, expressed the highest disapproval.

To add to the Governor's difficulties, there was no true public opinion to throw light on the establishment of a new constitution, and no forbearance on the part of the various factions. Every new principle had to be conceived, described in intelligible language, and perfected. Nevertheless, few more noble appeals to patriotism, and the desire to be useful, could be found for any public spirited man than the task of worthily establishing British Rule in the new Province, and this was Governor Murray's secret of patience and inspiration. Between the few fanatical protestants on the one hand, who expected to rule the country, and the sixty or seventy thousand French-Canadians of Quebec, of which Governor Murray, on the whole, had a high opinion, he saw clearly that only a government which would not pander to faction could be lasting or successful, and he declined to tell the "habitants" that the laws and customs which they had followed for a century and a half were to be arbitrarily thrust aside at the demand of the minority who were principally new-comers. There were also confusions of rank among officials, which should have been determined in London, leaving no possible cause of irritation or dispute. There was the Walker affair, and there was the difficulty with the Abbe Lacorne, a religio-political episode. The commercial relations of the country likewise offered many problems. It was not easy to establish sound principles of commerce. The slave trade was then a world-recognized branch of enterprise and monopolies were regarded as the best basis for trade. Each interest, however petty, regarded its own development as the prime consideration. Manufactures in Canada were yet to be created. Smuggling from France through the Islands of St. Pierre and Miquelon led to difficulties with traders in the New England colonies. The old French paper money provided another fruitful source of annoyance until settled after long correspondence by a payment from France.

Harassed on all sides, it is wonderful how much Murray really accomplished, for despite disturbing influences, not only was a great impetus given to the theoretical establishment of law and order and to the pacification and general well-being of the people, but justice, both civil and criminal, was really being administered, public opinion was becoming informed, and a fair measure of prosperity was already apparent in the new province. Added however to the local embarrassments of jealousy, impatience, bigotry, &c., was the

lack of money to meet the public expenditure. Finally charges of malfeasance were trumped up by the malcontents and Governor Murray was recalled; but judging by the way his representations were received and carried out, his reception in England was not unfavorable. His government was honest and enlightened, he was guided solely by the desire to do his duty, he was truthful and straightforward, and above all thought of personal aggrandizement. He exacts our respect for the true theories of government which he held at a time when they were by no means generally entertained, and for the manner in which he endeavored on all occasions to carry his opinions into execution. His subsequent service to the Empire added lustre to his fame. There are few more touching narratives in British history than that of his devotion to duty in the defence of Minorca. Our Canadian historian, Mr. Kingsford, says of him:—

"Such was the first British Governor-in-Chief after the conquest. "In the long roll of unblemished good service and the record of "unimpeachable fidelity to his trust, no part of his life stands out "in brighter colors than the period during which he turned a deaf "ear to intolerance and the spirit of persecution and strove to shew "to the new subjects of the Crown in Canada how truly beneficial, "just and noble, with all its errors, the rule of Great Britain has "ever proved itself to be."

When we think of our Empire, and this part of it especially, born in the convulsion of a bloody and costly war and nurtured amidst such difficulties, we pray with Kipling:

"Lord God of Hosts be with us yet,
Lest we forget. Lest we forget."

Yet, facing Canada's great future within the Empire, to which she owes so much, may we keep ourselves ever on the alert to serve, as women may, her highest interests.

E. D. BAYLY.

Acknowledgment is made of the kindness of Dr. Doughty not only in connection with search into original documents at the Archives, connected with the Treaty, but also for the Map, Great Seal of Great Britain, and copy of the Quebec Gazette, &c., which were exhibited at the meeting.

Treaty of Versailles, 1783

The object of the Women's Canadian Historical Society of Ottawa in taking up the subject of Treaties this season, is to place on record, in a clear and compact form, all treaties relating to Canada, making them convenient of access for reference, and with the addition of all original matter obtainable bearing on the subject.

The Provisional Articles of the Treaty of Versailles were signed at Paris on November 30th, 1782.

The Declaration relative to the suspension of hostilities, by which Great Britain recognized the independence of the thirteen United States of America, was signed at Versailles (hence the title) on the 20th of January, 1783, and the Definitive Treaty of Peace and Friendship between His Britannic Majesty George III., and the United States of America, on the 3rd of September of the same year.

To rightly understand the history of British North America, since the date of our last treaty of 1763, when the French king signed away what he termed "as after all only a few miles of snow", we must touch upon some of the causes which led to the secession of the American colonies and Canada's relative attitude. Many of the people of the former colonies had left their mother country nourishing some form or sense of grievance, while in the new colonies they managed their own affairs in their own way. When Great Britain repealed many of their laws with what has been called "parental government despotism" and later, in 1765, imposed the unpopular Stamp Act, they declared they would tax themselves if necessary, but would allow no British Parliament to tax them, without representation.

The passing in 1774 of what was known as the Quebec Act, considered expedient by the Governor Sir Guy Carleton, and hailed with delight by the French Canadians, was, to the Americans, a source of intense dissatisfaction. Impatient of restraint, and with a growing national spirit it brought them to the verge of revolt, while Pitt, (now Earl of Chatham) pleaded in vain with the British Government to repeal the obnoxious Acts.

Canada's boundaries, as ceded by France in the treaty of 1763, were more or less defined, and confirmed in the Quebec Act, from

Labrador on the East, to all the country South and West between the Ohio and Mississippi rivers, were the chief cause of objection.

The British government claimed that the extension was necessary to protect the Indians, whom American fur-traders and land agents were demoralizing with "fire-water." The superiority of the former's treatment of the "Wards of the Nation" has been subsequently confirmed.

In the year following (1775), the New Englanders attacked and repulsed a small British force at Lexington; and later at Bunker's Hill, near Boston, were defeated. Counting on being joined by the "Fourteenth Colony" they next invaded Canada, captured Ticonderoga and Crown Point on Lake Champlain, Forts Chambly and St. John, and, on the 12th of November, Montreal fell into the hands of the invaders.

The tide turned however at Quebec, which had been put into a state of defence with great skill by Sir Guy Carleton. Two daring attempts by Generals Montgomery and Arnold led to disastrous failure—the Americans were driven out of the country and in the summer of 1776, Arnold's fleet was annihilated on Lake Champlain.

France took the American side. In October, 1781, Lord Cornwallis surrendered at Yorktown (Virginia) to a French fleet and an American army—and, in the summer of 1782, peace negotiations were commenced on the basis of American independence.

To Lord Shelburne, then Secretary of State, may be conceded the initiation of the peace negotiations which resulted in the Treaty of Versailles; a Mr. Richard Osborne being despatched by him privately to open informal arrangements for peace with Benjamin Franklin, the Representative of the American Congress to France. Oswald was by no means a match for such men as Franklin, Jay and Adams; for the American representatives, though differing on some of the details of the proposed Treaty of Peace, were united in policy to secure the independence of the American Colonies, and to repudiate all national responsibility for the action of the several States in confiscating the property of the Loyalist British American subjects.

Each of them had also, a special interest to further in the Treaty. Franklin's was the cession of Canada and Nova Scotia to the United States; Mr. Jay's was the extension of their boundaries through the Indian and Canadian Territories westward over the Allegheny mountains to the Mississippi river; while Mr. Adams championed the New Englanders' claim to the Canadian fisheries.

Canada was at that time one of Great Britain's largest and most important territorial possessions; for it included not only her present domain, but also the Great Lakes and the fertile agricultural country south of Lakes Erie, Huron, Michigan, and Superior, down to the confluence of the Ohio and Mississippi rivers, out of which Canadian and subsequently ceded territory (about 280,000 square miles) were formed the more recent States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota; a territory contemptuously described by Mr. Oswald in his despatches as the "back lands of Canada"—a country worth nothing and of no importance." Six years prior, this portion of Canada had been thus described: "The triangular track of land between the Mississippi, the Ohio, and Lake Erie, is the finest spot of earth on the globe," in a map of the Middle British Colonies in North America, by ex-Governor T. Pownall, M.P., published by J. Almon of London, in 1776

To this they added the south-eastern or "Indian" territory, between the Allegheny mountains, Spanish Florida and the Ohio river (containing about 135,000 square miles), which had formed no part of the old Colonies, and out of which were subsequently formed the States of Kentucky, Tennessee and Alabama.

The claim of the United States to Canada was gravely asserted on the ground that: "By the Treaty of Paris of 1763, Article VII, Canada was expressly and irrevocably ceded by France to the King of Great Britain, and that the United States are, in consequence of the Revolution in their government, entitled to the benefits of that cession." (Secret Journals of Congress, 1780, v. 2, p. 327).

Another maladroit negotiator who assisted (?) is thus mentioned in a letter dated 22nd December, 1782, by King George III. to Lord Shelburne: "As to Mr. Vaughan, he seems so willing to be active, and so void of judgment . . . the sooner he returns to his family the better."

Mr. (afterwards Sir) Henry Strachey, who had been Secretary to Lord Clive, and was then Under-Secretary of Foreign Affairs, with the hope of averting disaster, was despatched to Paris with instructions to insist upon compensation to the Loyalists; the retention of the "Indian Territory," and of the original boundaries of Canada within the Ohio and Mississippi, or, if any Canadian territory should be ceded, to charge it with compensation for the Loyalists; to obtain a more favorable boundary for Nova Scotia, and to reject the cession of the Canadian fisheries. Mr. Strachey, though

he fought for the cause with every argument that reason, justice and humanity could suggest,—arrived too late

As this Treaty closely affected Canada both as regards its boundaries, fisheries and some 30,000 of its people, known as the United Empire Loyalists, I will subjoin it as taken from the copy of the original in the Dominion Archives, dealing in the meantime with its separate Articles clause by clause.

By agreement, previous to the signing of this Treaty, and on the same day, at the Court of Versailles, was signed the Definitive Treaty of Peace and Friendship between His Britannic Majesty George III., and Charles III. of Spain, by which, in Articles 4 and 5, His Britannic Majesty ceded to His Catholic Majesty the Island of Minorca, and East and West Florida; and in Article 7, His Catholic Majesty restored to Great Britain the Islands of Providence and the Bahamas.

Two separate Articles were attached to this Treaty: one referring to the titles of the contracting parties, the other as follows:—"It has been agreed and determined, that the French language, made use of in all copies of the present Treaty, shall not form an example which may be alleged, or quoted as a precedent, or, in any manner prejudice either of the contracting Powers . . . with regard to Powers who are in favour of giving and receiving . . . like Treaties in a different language than the French."

The Treaty of Versailles brought to a close the War of Independence and acknowledged the abrogation of British Sovereignty over thirteen of her former colonies in America. Opening:—"In the name of the Most Holy and Undivided Trinity.—It having pleased the Divine Providence to dispose the hearts of the Most Serene and Most Potent Prince, George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith—etc., etc., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two Countries, upon the ground of reciprocal advantage and mutual convenience, as may promote and secure to both perpetual Peace and Harmony.—the following Plenipotentiaries are named:

His Britannic Majesty, on his part, David Hartley, Esq., Member of the Parliament of Great Britain; and the United States on their part, John Adams, Esq., late a Commissioner at the Court of Ver-

sailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq., late Delegate in Congress from the State of Pennsylvania, President of the Convocation of the said State, and Minister Plenipotentiary from the United States of America to the Court of Versailles; John Jay, Esq., late President of Congress, and Chief Justice of the State of New York, and Minister Plenipotentiary from the said United States to the Court of Madrid.

The latter name recalls one of the magnificent and realistic Historical Tableaux presented at the Waldorf-Astoria during the Twenty-fifth Anniversary Celebration of the American Historical Association in New York, on the 29th of December, 1909, (where I had the honour of representing you as Delegate), "John Jay at the Court of Louis XVI., Versailles, 1783." The object being to reproduce events and characters in American history, represented by the descendants of the original participants. In this instance Mr. Pierre Jay wore the clothes and sword of Chief Justice Jay, and Mrs. Arthur Iselin represented her great grandmother, Mrs. John Jay.

His Britannic Majesty, in the first Article acknowledges New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be Free, Sovereign and Independent States.

Article II, defining the Boundaries, (Mitchell's Map of North America, 1755) on paper, turned out to be a rather complicated geographical problem to put in force—and from "highlands" to "angles" provoked hot discussion. How the "highlands" came to be finally ignored in 1842 must come under a later treaty. But in that part of the boundary line from the historic northwest angle of the Lake of the Woods, whence it was extended to the Rocky Mountains, I seem (since this Treaty was assigned me) to recall a personal interest, my brother (A. L. Russell) being one of the two Surveyors chosen by the Government for the International Boundary 49th parallel survey of 1872. In connection with this is a curious incident resulting in which might be called "neutral ground" at the angle. Later and more accurate surveys showed that the point agreed upon in 1783 between the United States and the British possession was about 25 miles North of the 49th parallel, and so, at this place, the boundary makes a jog to the south to meet that line. The Republic

thus has a little piece of territory of about 100 square miles in extent, north of the 49th parallel,—and the joke of it is that a Yankee has no means of access to his own territory except through Canada, or by water.

Great Britain by this treaty, not only "gave most and took least," but in fact gratuitously ceded sufficient British and Canadian territory, which British arms had won from France, to form nine additional States: Kentucky in 1792; Tennesse, 1796; Ohio, 1803; Indiana, 1816; Illinois, 1818; Alabama, 1819; Michigan, 1837; Wisconsin, 1848; and Minnesota, 1858. These were the truly "gigantic boundaries" with which she endowed the new Republic!

In Article III. all Canadian in-shore fishery rights were conceded, without even the suggestion of a reciprocal concession to Canadians to take fish in American in-shore waters.

The failure of the government of the United States to keep the provisions embodied in Articles IV, V, and VI, relating to the rights and property of the Loyalists, was the reason that Great Britain continued for many years to hold Detroit and other frontier posts, until in 1794, Jay's Treaty brought an amicable adjustment, the English garrison was withdrawn, and the provisions of the VIIth Article carried out.

The American colonies who had remained faithful to the Mother country soon found there would be no peace for them within the boundaries of the United States, and a great migration of some 25,000 or 30,000 United Empire Loyalists into Canada followed.

Some sought refuge in Nova Scotia; that part in which they settled in 1784 was made a new province and received the name of New Brunswick, Governor Parr having denied them representation in the Nova Scotia Assembly. To quote our own Colonial historian, (Prof. W. L. Grant), "They were just as strong believers in the right of a man to manage his own affairs as was George Washington himself." Others settled in the Eastern Townships between the American border and the seignories of the St. Lawrence; but the majority went west and settled Ontario. Great Britain was not unmindful of those who had sacrificed so much for her. A grant of 200 acres of land was given to each family, and provision made to give as much more to each son when he came of age, and to each daughter on marriage. They were also furnished with provisions, seed and tools, and a sum exceeding £3,000,000 sterling voted for their assistance. The United Empire Loyalists, as they were proud to call themselves,

proved of the utmost value in opening up and settling the Country, and may justly be called "the forefathers of the great province of Ontario."

Lord North in a debate on this Treaty said: "There seems to be a peculiar mockery in the Article (VII) which granted an eternal and free navigation of the Mississippi to Great Britain—without any means of entrance or exit for her ships."

The remaining Articles (IX and X) deal with the restoration of any Place or Territory conquered by either country before the arrival in America of said Provisional Articles; and the solemn Ratification of the present Treaty within six months of its signature.

"Whatever strategic policy may be allowable in Treaty-making diplomacy, it should be controlled by the knowledge that the diplomatist represents the conscience and good faith of his Sovereign, and the dignity and honour of his Nation."

In the light of the present day these Treaties unfold their own tale of absorbing interest, and the manuscripts of diplomatic correspondence, in the Archives, repay careful perusal.

But, not all was peace, since the parting of the ways. A good deal of smouldering hostility existed, till in 1812, through misunderstandings between the two governments, Canada was made the battleground of a wholly uncalled for war. The unanimity with which her inhabitants, British and French-Canadians, and her Indian allies, rallied, and successfully maintained their allegiance to the Motherland, is known to you all.

On December the 24th (Christmas Eve), 1814, the signing of the Treaty of Ghent brought to a close the last armed conflict between the British and American people,—and although on the continent of Europe armed men guard the frontiers of every state—our "Unfortified Canadian-American Frontier" for 3,800 miles, from ocean to ocean, presents a unique spectacle in the history of nations.

The signing of that Treaty closed the gates of war, and our victories since, have been victories of peace.

JENNY RUSSELL SIMPSON.

The Articles of the Treaty are as follows:—

"Article I—His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and

Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be Free, Sovereign and Independent States; that he treats with them as such; and for himself, his heirs and successors relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

Article II—And that all disputes which may arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz., from the N. W. angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the north western-most head of Connecticut river; thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the River Iroquois or Cataraguy; thence along the middle of the said river into Lake Ontario; through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie; through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of said Lake to the water communication between that Lake and Lake Superior; thence through Lake Superior northward of the Isles Royale and Philipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most north-western point thereof; and from thence on a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the northermost part of the 31st degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the Equator, to the middle of the River Apalachicola or Catahouche, thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source; and from its source direct north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which

fall into the River St. Lawrence: Comprehending all Islands within 20 leagues of any part of the shores of the United States and lying between lines to be drawn due east from the points where the aforesaid Boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as are now, or heretofore have been, within the limits of the said Province of Nova Scotia.

Article III.—It is agreed that the People of The United States shall continue to enjoy unmolested the right to take Fish of every kind on the Grand Bank and on all the other Banks of Newfoundland; also in the Gulf of St. Lawrence, and all other places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the Coast of Newfoundland as British Fishermen shall use, (but not to dry or cure the same on that Island), and also on the Coasts, Bays, and Creeks of all other of his Britannic Majesty's Dominions in America; and that the American Fishermen shall have liberty to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such settlement, without a previous agreement for that purpose, with the Inhabitants, Proprietors, or Possessors of the ground.

Article IV.—It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

Article V.—It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in Districts in the possession of His Majesty's arms, and who have not borne arms against the said United States, and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain 12 months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all Acts or Laws perfectly consistent, not only with justice and equity, but with that spirit of

consideration which, on the return of the blessings of Peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article VI.—That there shall be no future confiscation made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the Ratification of the Treaty in America, shall be immediately set at liberty, and the prosecution so commenced be discontinued.

Article VII.—There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefor all hostilities both by sea and land shall from henceforth cease. All persons on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place and harbour within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all Archives, Records, Deeds and papers belonging to any of the said States, or their citizens, which in the course of the War may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

Article VIII.—The navigation of the River Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article IX.—In case it should so happen that any place or territory belonging to Great Britain or to the United States should have conquered by the arms of either, from the other, before the arrival of the said Provisional Articles in America, it is agreed that

the same shall be restored without difficulty or without requiring any compensation.

Article X.—The solemn Ratification of the present Treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present Treaty.

In witness whereof, we, the undersigned, their Ministers Plenipotentiary, have in their name, and in virtue of our Full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

Done at Paris, this 3rd day of September, in the year of our Lord, 1783.

(L.S.) D. HARTLEY.

(L.S.) JOHN ADAMS,
B. FRANKLIN.
JOHN JAY."

Authorities consulted:—Dr. W. F. King, C.M.G., H. B. M. International Boundary Commissioner, Director of Dominion Observatory, Ottawa, Canada. "British and American diplomacy affecting Canada, 1782-1899," by Thomas Hodgins, Q.C., Toronto, Canada. Documents, MS.S., Dominion Archives, and illustrated through courtesy of the Archivist, Dr. A. G. Doughty, C.M.G., by a rare map entitled:—"A Map of North America, with the West India Islands. Divided according to the Preliminary Articles of Peace, signed at Versailles, January 20th, 1783, wherein are particularly distinguished the United States, and the several Provinces, Governments, &c., which compose the British Dominions, &c."

Since this Treaty was read, there has been placed on Nepean Point one of the iron International Boundary Pillars (now replaced by granite) used between the river St. Croix and the St. Lawrence. This historic relic was donated to and erected by The Women's Canadian Historical Society of Ottawa. Full particulars are in the Annual Report for 1914-1915.

Treaty of Ghent

The Treaty of Ghent, although it closed the War of 1812, did not take into consideration the most important causes of this war because the circumstances had by that time changed so much that they were no longer the vital issues in dispute. Yet, in discussing this Treaty it were best to glance briefly over the differences and disputes which caused the war.

Of course, at the time, each side thought the other was mostly to blame, and owing to the length of time needed for communication between the two countries and the apparently small display of diplomacy on either side, the passions and feelings of the people had a great deal to do with the declaration of war. However, modern historians, even those of the United States, while laying the blame on the side of Great Britain, are pretty well agreed that she was anxious not to have war because she wanted to keep her strength for the fight against Napoleon. And it is well known that directly after the declaration of war she did withdraw her Orders in Council, though they were a powerful weapon against France. However, some historians have urged that this was because of the critical condition of her own merchants owing to the said Orders; the repeal in any case came too late, and Great Britain was forced to enter on a war at a time when her strength was taxed to the utmost and it was thought her Empire could not stand, had it not been for Napoleon's disastrous Russian campaign.

The causes of the war were many, though each in itself was not so harmful as vexatious. To begin with, according to the Peace of Paris in 1783, which acknowledged the Independence of the United States, it was agreed, in clauses IV, V and VI respectively, that there should be no impediments in the way of recovering debts due British merchants before the Revolution; that the United States were to repeal their Confiscation Acts, and that there was to be no further prosecution of any persons who had taken part in the war. It was claimed by the British that the United States acted in direct violation of these clauses, and when the United States demanded the eight frontier forts between Lake Michigan and Lake Champlain, which the British had ceded to them by the same Treaty, the British

Government refused to give them up till the United States should fulfil the terms of the Treaty. This remained a question of dispute and a cause of ill-feeling until the Treaty of 1794.

Another and more important consideration related to trade and commerce between Great Britain and the United States. Before the Revolution the colonies which had by it become the United States, had naturally traded almost exclusively with Great Britain. After the Revolution Pitt saw that unless the trade of the United States was kept on the same footing as before, Great Britain was likely to lose this lucrative trade, and he framed a very good plan of free trade. But when a ministry of opposite opinion came into power they imposed restrictions and heavy duties on trade with the United States, knowing full well that they could not retaliate because the various states were not as yet combined and were jealous of each other. The result was that, the ports of the West Indies having been closed to American vessels and the import of fish, and heavy duties having been imposed on American goods coming into Great Britain except in British vessels, much of the trade and commerce of the United States was soon in the hands of the British. Congress, aware of the danger, appointed, in 1784, a Grand Committee to make a report on the question. The Committee reported that Congress should urge the State Legislatures to make over to it for fifteen years the management of commercial affairs, and give it power to forbid merchandize to enter unless brought in American ships or by powers having a Treaty of Commerce with the United States. "This power to regulate trade could only be given by amending the articles of Confederation and these articles could only be amended by the consent of each one of the thirteen states." It took several years to accomplish this, owing to the jealousy of the different States.

However, while it was being talked of, there arose the circumstances which brought about those Orders in Council which had so much to do with the final decision to declare war. When France declared war in 1792, she opened her ports in the West Indies to neutral trade, but this was declared contrary to international law, by Great Britain and she, in 1793, took steps to stop this trade. France retaliated by ordering the seizure of neutral ships with provisions for an enemy's port, to which Great Britain replied by ordering the capture of neutral ships carrying provisions to a French colony; she also ordered all ships searched for deserted British seamen.

According to these orders there were in 1793 one hundred American ships in French hands and hundreds more captured by the British, with the result that American merchants were practically ruined. Congress voted appropriations for the building of fortifications and purchasing of ammunition. A Non-Intercourse Act was brought in and defeated only by a casting vote.

Washington became alarmed at the hostile feeling against Great Britain and determined to make a great effort for peace. Chief Justice John Jay was sent as a Commissioner to negotiate with Great Britain for this purpose. In 1795 the President and Senate approved a Treaty of Peace and Amity by which it was agreed that the frontier forts held by Great Britain should be given up according to the Treaty of 1783. It was also agreed that the debts due British merchants at the opening of the Revolution should be paid by the United States and that the damages suffered by the American merchants under the Orders in Council of 1793 should be paid by Great Britain. That the British West Indies should be open to American ships of not more than seventy tons burden; and that Commissioners be appointed to settle the disputes regarding the boundary between the State of Maine and New Brunswick. This was all that could be obtained at the time, but the country was very angry that nothing had been said about the impressment of American sailors.

The Impressment of American sailors and the searching of American ships for deserters was in a large degree responsible for stirring up the bad feeling and indignation of the United States. Especially in London, the American sailors were impressed in large numbers and made to serve in the war with France. The cause of the desertion of British seamen, we find by going back to the Order in Council of 1794, by which Great Britain had forbidden direct trade between France and her colonies, and which she had amplified in 1798 by forbidding direct trade between France, Spain and Holland and their colonies, and later, in 1799, by declaring the whole coast of Holland under blockade. The Americans found they could evade these Orders by sending their ships to a port in the French or Spanish West Indies, taking a cargo for a European market, sailing to an American port, there unloading and reloading their cargo and going on to their destination, having broken the voyage and thus evaded the Orders. They therefore carried on an almost exclusive and very lucrative trade and the wages to sailors, were higher than in other countries with the result that a great many British sailors naturally deserted to American ships and Great Britain ordered all American ships searched.

There have been many discussions on this question of searching American ships, but since Great Britain herself offered inducements to sailors of foreign countries to join her navy, it seems rather odd that she should have been so very indignant at the Americans for receiving British sailors who deserted to them of their own free will. Be that as it may, the Americans were very much annoyed, the more so because the British often impressed American sailors while searching their ships for deserters. Several unpleasant incidents occurred, including the affair of the American ship, 'Chesapeake,' whose captain refused to muster his crew and whose ship in consequence was captured. The wrath of the Americans was kindled and the country clamored for war.

In 1806 Napoleon issued his Berlin Decree, putting the British Isles under blockade, and Great Britain retaliated by an Order in Council forbidding neutrals to trade between any two ports in the possession of France, and later in 1807, to any port where the British flag was excluded. Napoleon retaliated by his Milan Decree in 1807, declaring that every neutral ship searched by England should be confiscated. As for Great Britain, such Orders in Council suited her convenience and she could give no thought to the unfairness to neutral nations. By these Orders in Council she hoped to destroy what remained of the trade of France and thus reduce her to peace, as also to retaliate for the Berlin and Milan decrees. These were really of little consequence, because of British naval supremacy and the general result was that while France suffered the most, although British trade was greatly injured, yet the brunt of the retaliation on France fell on the United States.

The United States at this crisis found herself between the "Devil and the deep sea." It was a case of fight for her neutral rights or abandon the ocean. This was tried in 1807 by closing American ports to foreign trade, but it was found that while it had no effect on Great Britain it was disastrous to the United States and in 1809 it was repealed and a Non-Intercourse Act was passed the same year, forbidding trade with Great Britain, France, or the colonies of either. If, however, either nation should suspend its Orders or Decrees, the application of the Act should be revoked.

At this time too, the United States were irritated in the north and west, by the Indians who had been attacking and harrassing the people, and as the Indians were friendly with the English the United States accused them of instigating the attacks.

Altogether matters had come to such a pass that Madison called

Congress together in a special session, November, 1811. He urged that since, though the French Decrees had been recalled, Great Britain still persisted in her Orders and even enforced them more rigorously than ever; and Great Britain gave the United States to understand that if the Non-Intercourse Act were continued, she would retaliate; and since several old wrongs were still not righted; the President urged that the United States prepare for war. On June 1st of the following year the President's message to Congress advocating war, declared that Great Britain had incited the Indians to attack the United States; had ruined American trade by their Orders in Council; and had blockaded American ports and impressed American seamen. He therefore urged that war be declared, and on June 19th, 1812, war was accordingly declared against Great Britain and her colonies.

There was a great deal of bitterness in Great Britain over the war, coming as it did during a critical struggle in Europe. But the United States was practically goaded to war with either France or Great Britain and she naturally chose Great Britain as she had been most severe and had not repealed her Orders in Council. The majority of the British people seemed to think the United States was in sympathy with Napoleon, as indeed were some of the Southern States. But though the United States could not strike a blow at Great Britain without thereby indirectly aiding France, she abstained from joining France in any way during the wars. In fact we find in this American war which was so denounced, nothing but an effort to seek redress for injuries and a struggle for freedom of trade and the rights of sailors.

In the war itself there were a great many small victories and reverses on either side. At first the Americans were victorious on the sea because the British vessels were behind the times and had relied too much on Britain's supremacy of the seas rather than on proper equipment. Five hundred British merchantmen in all were captured during the first seven months. The British resources on land, too, were not always intelligently applied, though on the other hand, the Americans suffered several reverses on land through the timidity of their generals. On the whole the Americans suffered more than the British; their naval victories, except on the lakes, were not so very important, and they had no decisive victories on land except New Orleans. The Americans destroyed York in Upper Canada but the British retaliated by destroying Washington.

In the meantime, negotiations for peace had been going on between the two countries and plenipotentiaries were appointed to draw up a Treaty of Peace and Amity. They met at Ghent in August, 1814. The American representatives were: John Quincy Adams, Henry Clay, Jonathan Russell, and Albert Gallatin. England was represented by Williams Adams, J. A. Bayard, Henry Goulbourn, and Lord Gambier.

The turn of affairs in Europe had practically done away with the direct causes of the war and the Treaty was mainly to settle up after the war, as well as decide on certain points regarding boundaries, etc. One writer, Nathaniel Atcheson, author of "American Encroachments on British Rights," issued a pamphlet giving his opinions of "The points to be discussed in treating with the Americans." This is really most amusing, for he says that since the war wiped out the original Treaty of 1783 which was not at all what it should have been, "we" have now a chance to make a real good one; and strongly contests that these points "at least" should be insisted on:—"that, as mountains, not rivers, divide the Americans should be excluded from the navigation of the St. Lawrence and all its seas and waters, also from Lake Champlain, its tributaries and adjacent territory; from the shores of the Great Lakes, and from the whole of Lake Michigan; that Great Britain be given the northern territory connecting with the head waters of the Mississippi as heretofore intended but had failed through ignorance; that Great Britain should have all the islands in the River St. Lawrence; that no American vessels exceeding a certain burthen should navigate the Lakes, that no fortifications be built by the Americans on the shores of the lakes or of the St. Lawrence, or of the waters falling into them; that the claim of the United States to the north-west coast from the Columbia River be extinguished forever; that Great Britain be given the islands in Passamaquoddy Bay; that a new boundary be given the Indians; that the line should be drawn from Sandusky on Lake Erie to the nearest water falling into the Ohio, down that river and up the Mississippi to the Missouri, and up the Missouri to its principal source,—thus confining the United States to the Rocky Mountains as their western boundary and excluding them from all the country to the north or westward of the line; that the Indians should be left independent because they were the friends of the British and would naturally trade with them; that Great Britain might even be appointed their guardian as a safeguard to Canada from the United States; that the Americans moreover, be excluded from the fisheries of Newfoundland and Labrador, and that they be prohibited to trade with

the West Indies; that Florida should not be allowed to join with the United States, and that the free navigation of the Mississippi should again be secured to Great Britain."

But even though this modest person was not appointed to assist in drawing up the Treaty, the Plenipotentiaries had a hard enough time to come to a decision and were several times on the point of giving it all up and returning home. It is most amusing at this date to read the private letters of these gentlemen to their Home Governments, which gives us an insight into their characters as into the details of the Treaty itself. In some of Henry Goulbourn's letters to Lord Bathurst, for example, he speaks first of all of being very much surprised to find the Americans so candid, though later he refers to the "cunning of the Yankees," and to their "Yankee characteristic of never giving a straight answer to a straight question." While in one letter he objects to the clause appointing Commissioners to settle the boundary, because "the Americans are sure to cheat us,"—and at the close of the same letter asks, "Might we not find some island in Lake Huron or Lake Superior to give for Carleton Island, there seems to be many islands there, to us perfectly useless."

The Americans despatches on the other hand, were chiefly taken up in discussing differences among themselves regarding the spirit of their instructions. And they were at a great disadvantage in being so far from home and not being so easily able to communicate frequently with their Government as did the British with theirs.

The British were instructed by their Government in drawing up the Treaty, not to grant to the Americans the fishing rights obtained by them in the Treaty of 1783; to again secure the free navigation of the Mississippi; to have nothing to do with articles regarding commerce; to refer as little as possible to the Treaty of 1783 as to territorial boundaries, because they considered it founded on very erroneous principles; to establish an Indian barrier between the two countries, and in all to establish a permanent peace and protection for the North American colonies.

The Americans, on the other hand, had instructions to have no discussion of the Fisheries, as they upheld that as the Treaty of 1783 in acknowledging the Independence of the United States was not an ordinary Treaty to be abrogated by a declaration of war, but stood permanent through the war, and that therefore as their independence still stood acknowledged, so also did the fishing rights, being as they

were, acknowledged from previous use. Mr. Adams fully believed this and stood out most strongly for it in the face of his colleagues, who though not believing absolutely in this interpretation, yet decided to use it as an argument for not having a new clause about the fisheries, as they well knew they were destined to lose by any such. And though they would willingly have taken from England the right to navigate the Mississippi given in 1783, they could not do so without contradicting the reason they gave for declaring the Treaty not abrogated by the war. There was a great deal of feeling among them over this question, because Mr. Russell and Mr. Clay thought the navigation of the Mississippi very important and a powerful weapon in the hands of the British, while they considered the Fisheries, being such an inconvenient distance from the United States, to be growing daily less important and thought that they might well be sacrificed. Mr. Adams, on the other hand believed, as did also the British, that the fisheries were far more important than the navigation of the Mississippi, which had not as yet been used by the British and he argued so well that he finally carried the point and kept the fisheries question altogether out of the Treaty. A paragraph was however appended to the Treaty suggesting that these questions might be taken up at a later date.

The British suggested that they agree that the 49th parallel of latitude be the boundary westward from Lake of the Woods, in return for which the United States should grant the navigation of the Mississippi. But the Americans could not agree to this as the land they would obtain south of the 49th parallel would be practically of no use to them. If, however, the discussion of the Mississippi were again brought up, they said they would certainly ask as an equivalent for the navigation of the Mississippi, the navigation of the St. Lawrence.

The Americans had been instructed by their Government to discuss points of impressment and allegiance, blockades and neutral rights, but these were left out, both because the need of them had mostly disappeared, and because they realized that negotiations would be broken off if they insisted. Also they were to discuss claims for captures and a Treaty of Commerce. To the first the British agreed, but would have nothing to do with a Treaty of Commerce. The Americans, on the other hand were not to enter into discussions of the Indian boundary.

Throughout the whole of the discussion the British were influenced by, and insisted on maintaining, the opinion that the fisher-

ies had been granted to the Americans; and Goulbourn especially, insisted that the cause of the war had been the desire of the Americans to conquer Canada; while the Americans insisted that the fisheries were rights always enjoyed and merely acknowledged by the Treaty of 1783, and that the cause of the war had been the injustice of the British in destroying American trade and the rights of her sailors; and that Canada was only attacked because she was the British property nearest at hand. The ups and downs of the war still continuing while negotiations were going on also made a difference. A few American victories made the English decide not to insist too much on some of their favorite points, and in a letter Goulbourn expresses the hope that the British would go ahead and take Sackett's Harbour that they might have the upper hand in framing the clauses.

However the Treaty was finally drawn up and the clauses agreed to and signed by the Plenipotentiaries on December 24th, 1814, and later ratified by both Governments. In the main establishing:

1. Peace between both countries, territories, cities, towns and peoples of every degree. That all hostilities should cease as soon as the Treaty was ratified; that all territories, places and possessions taken by either during the war, except the islands mentioned, should be restored without delay or destruction or carrying away public or private property or slaves; that all archives, records, deeds or papers, public or private, be restored; that the islands in Passamaquoddy Bay be left in their present possession till decided by the Commissioners.

2. That orders be sent immediately to armies, squadrons, officers, subjects and citizens to cease hostilities; that all prizes and effects taken from ten days after the ratification of the Treaty be returned. This clause moreover allows a certain number of days according to distance, to expire before the Treaty comes into effect, for example, in 90 days, South of the Equator.

3. Prisoners of war on each side to be restored as soon as debts incurred by them should be paid, and that each party should pay for the sustenance and maintenance of prisoners held by the other during the war.

4. That two Commissioners be appointed to decide as to the ownership of the islands in Passamaquoddy Bay, it having been stated in the Treaty of 1783 between the United States and Great Britain, that all islands within twenty leagues of any part of the

shores of the United States should belong to the said United States except the islands "which now or heretofore have been in the limits of Nova Scotia." Several islands in Passamaquoddy Bay, including the Island of Grand Manan, were claimed by the United States, but they were claimed also by Great Britain as within the limits of Nova Scotia; the two Commissioners to meet first at St. Andrews and afterwards as they should see fit. If the two Commissioners should differ each should make his report, when the matter would be submitted to some foreign state.

5. That two Commissioners be appointed to settle the boundary between Maine and New Brunswick. Great Britain laid claim to a large part of the north of Maine and the United States claimed a large section of New Brunswick and the Province of Quebec, extending almost to the St. Lawrence. The two Commissioners were to make surveys and maps and to act as the two appointed in clause four.

6. That two Commissioners be appointed to decide the boundary from the Iroquois, or St. Lawrence River, along the middle of the chain of Great Lakes to Sault Ste Marie. These Commissioners to meet at Albany and to be appointed and to act exactly the same as the others previously appointed.

7. That the two last Commissioners, when they had finished, further determine the boundary which extends from the water communication between Lake Huron and Superior to the most north-west point of the Lake of the Woods; to decide to whom belonged the islands in the lakes and rivers; and to make surveys and mark the boundary, particularly the latitude and longtitude of the north-west point of the Lake of the Woods.

8. That the several Boards of two Commissioners mentioned have power to appoint secretaries and employ surveyors and others as they see fit; that duplicates be made of the reports of the surveyors to be sent to Great Britain and to the United States; that the expenses be defrayed equally by both Powers; that if the death of any Commissioner should occur his place should be supplied according to the appointment of the first Commissioners; that if the islands before the war had belonged to one party and were afterwards decided by the Commissioners to belong to the other, grants of lands made previous to the war should stand as made.

9. That the United States put an end to hostilities with the Indians and restore their possessions, rights and privileges previ-

ously enjoyed, provided that such tribes agree to desist from hostilities; that Great Britain should also put an end to hostilities and restore possessions to the Indians on the same terms as the Americans.

10. That both contracting parties should use their best endeavours to abolish the Slave Traffic.

11. That this Treaty when ratified by both Powers, and when ratifications had been exchanged, should be binding after the space of four months.

In brief, this Treaty contained three clauses settling up after the war; four clauses on the boundary question; one regarding the Indians, and one on Slave Traffic. A Treaty which "virtually re-established the 'status quo' with provision that the various disputes which had arisen as to the delineation of frontier should be referred to a joint committee and if this did not reach a decision, to foreign arbitration."

In 1818, after negotiations, a Convention was arranged between the United States and Great Britain which provided that "the citizens of the United States might forever catch fish on certain parts of the coast of Newfoundland and Labrador and of the Magdalen Islands and that American fishermen might forever dry and cure fish on any of the unsettled bays, creeks, and harbours of certain parts of Newfoundland and Labrador, while the United States renounced forever the claim of its citizens to take, dry or cure fish with three miles of any other coasts, creeks, bays, or harbours of the British possessions in North America." It was moreover agreed that the fishermen of the United States should enter these last named bays, harbours, etc., only for the purpose of procuring wood or water, or seeking shelter or repairing ships. In regard to the Northern Boundary, it was here settled that the line of demarcation should be the 49th parallel from a point south of the Lake of the Woods to the summit of the Rockies. The bays, harbours, etc., of the Oregon country to be open to both Powers for ten years following.

The Eastern boundary question hung on for several years. Surveys and reports were made, claiming large sections each way. The King of the Netherlands was asked to arbitrate and in 1831 made his award, giving a large slice off the present Province of Quebec, south of the St. Lawrence, to the United States. This award was not agreed to, and finally in 1842 the line of boundary as it now stands was agreed on, in which Great Britain seems to have come off some-

what best as this gave to her the islands in Passamaquoddy Bay, including Grand Manan; settled the boundary line up the St. Croix and from there due north to cross the St. John river, and up it and its tributary the St. Francis; from a point there in a zig-zag line south to the 45th parallel of latitude and from thence to the St. Lawrence, thus giving to the United States a large portion of the north of Maine claimed by Great Britain, and to Great Britain a large section of New Brunswick claimed by the United States.

MURIEL G. SHORTT.

Ottawa, Dec. 12th, 1913.

The Ashburton Treaty

Many were the disputes between Great Britain and the United States, but the chief cause of dispute since the War of 1812, was the question of the International Boundary Line, which already upon two occasions had nearly brought about a collision on the New Brunswick boundary.

Sir Sanford Fleming says, "At this date we look back with bewilderment at the extraordinary series of negotiations which ended in the establishment of the Maine boundary,—a result which converted undoubted British territory into foreign soil, which alienated the allegiance of thousands of British subjects without their consent, and which made a direct connection on our own soil between Central Canada and the Atlantic Coast an impossibility. No Canadian can reflect without pain and humiliation on the sacrifice of British interests in the settlement that was made."

As we said before, the crowning apple of discord was the boundary question. There had, for many years, been a conflict of opinion between English and American diplomatists as to the true location of the boundary line between New Brunswick and the State of Maine. By the Treaty of Peace, ratified at Paris in 1783, this line had not been defined with sufficient accuracy, and its precise whereabouts had thus been left an open question. It was provided that the frontier should begin "From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the north-western head of the Connecticut River; thence down along the middle of that river to the 55th degree of north latitude, etc."

This mysterious clause, mysterious to future generations of American politicians who only wished to understand it in one way, though it was doubtless intelligible enough to its framers—this mysterious clause, we repeat, proved as prolific of argumentative dispute as does our modern problem of the water question. What was meant by the rivers that fall into the Atlantic? Was the application restricted to those streams which flowed directly into the

ocean, or were the northern tributaries to be included? What was the north-western angle of Nova Scotia? Nay, where was the St. Croix River? For strange as it may seem, the geography of the region was so little known in 1783, that almost as soon as the ink was dry upon the Treaty, a dispute arose as to which of the three rivers was intended to be designated by that name. It was not until Jay's Treaty was signed eleven years later, that the spot indicated by the words "the source of the River St. Croix" was definitely ascertained. Whereupon a monument was erected to mark the place for the enlightenment of future generations. The terms being so indefinite, the dispute over the boundary between New Brunswick and Maine waxed hot. An attempt was made to settle it by the appointment of Commissioners to make a map and agree upon a boundary, but the attempt only ended in "confusion worse confounded." The Commissioners were compelled to relinquish the task as hopeless, neither side being willing to give up its convictions to the other. And there for a time the matter rested. Meantime the absence of any clearly defined boundary gave rise to periodical quarrels and even to skirmishes between the inhabitants along the frontier. After several years, in 1833, while Lord Palmerston held the office of Secretary of State for Foreign Affairs in Earl Grey's Government, a proposition for a settlement was submitted on the part of General Jackson, President of the United States. This proposition was extremely liberal; in fact so liberal that it was afterwards denounced by an able American statesman on the ground that it conceded altogether too much to Great Britain. "Why the proposal was made, and why it was not accepted," wrote this statesman, "cannot be otherwise accounted for than by a complete ignorance on both sides of the whole subject." Lord Palmerston, however, thought proper to reject the proposal, and matters along the frontier went from bad to worse, and any satisfactory adjustment seemed as far off as ever.

The situation grew more and more threatening until in 1842, matters arrived at such a pass that a settlement could no longer be delayed, if war was to be avoided.

The Northwestern boundary was another fruitful source of dispute. It attracted less attention, however, than the question respecting the boundary to the north-east, because it had reference to a remote and sparsely-populated region. All the circumstances being considered, it is not without reason that Canadians, during the first year of the Union, regarded another war with the United

States as a not improbable event, and it needed only a little hot-headed imprudence on the part of the statesmen of both countries to precipitate matters.

In the month of February, 1842, Lord Ashburton was sent out to the United States as a special Commissioner to make one more attempt to settle the various questions in dispute. Lord Ashburton was in some respects well fitted to undertake such a negotiation. He was intimately associated with the United States by commercial and family relations. His connection with the great mercantile house of the Barings, which for years had had dealings on this side of the Atlantic, had rendered it necessary that he should devote much attention to American affairs. In compartively early life he had spent some time in the States, having married a lady of Philadelphia; and had written a pamphlet on the subject of international relations between the United States and Great Britain. He was personally acquainted with many leading men of the Republic, and had devoted much time to the study of American political and social questions. He was a man of honour and fair-mindedness, but there his fitness for his mission ceased. He had had little or no experience in conducting diplomatic negotiations. He was far too complaisant and yielding, too ready to make any man a present of his opinions; too ready to surrender those opinions for the sake of amity and good-fellowship, even when he knew he was in the right. In short, he lacked an element which is necessary to the success of nearly all complicated diplomacy, and which was particularly essential in carrying on an international negotiation with Daniel Webster —namely, downright physical force.

Mr. Webster was then Secretary of State, and to him was officially entrusted the task of negotiation on behalf of the United States Government. His leonine face and figure were an index of his mental calibre. "Faculty" was a quality whereof the "Thunderer of the Senate" as he was called, possessed a larger share than any American of his time, or probably of any other time. Whenever he bent his powerful mind to the elucidation of any knotty problem in law or politics, it was felt by all parties concerned that there was indeed a Daniel come to judgment. His sonorous voice, large presence and earnest manner, were formidable adjuncts to his rare mental endowments.

Lord Ashburton spent some time in the United States before entering upon the active duties of his mission, since negotiations were not formally commenced until June 17th. They extended over

two months, and were productive of a definite result. The Ashburton Treaty, as it is generally called, was concluded and signed on the ninth of August, 1842. Lord Palmerston subsequently stigmatized it by the name of the Ashburton Capitulation. It is quite true that the treaty was not a masterly stroke of diplomacy on the part of Lord Ashburton, but any reflection upon it came with a singularly bad grace from the statesman who had had such a chance as came to Lord Palmerston in 1833, and who had let it slip by unheeded.

By the terms of the Treaty seven-twelfths of the territory in dispute between New Brunswick and Maine, including that portion of the French settlement of Madawaska lying south of the St. John river, were ceded to the United States. The remaining five-twelfths, including certain heights commanding the St. Lawrence, fell to the share of Great Britain. The boundary as then settled, was a purely arbitrary one. It was stipulated that, beginning at the monument already referred to as having been set up at the source of the St. Croix, the line should run thence north to the middle of the River St. John; thence up the middle of the main channel of the stream to the mouth of the St. Francis, and along the middle of the St. Francis and of the lakes through which it flows, to the outlet of Lake Pohenagamook; thence south-westerly to between the head waters of the Penobscot and Chaudiere rivers; thence along the coast of the highlands to the Connecticut River.

This arrangement was a compromise whereby each of the contracting parties professedly yielded something to the other. It must be owned, however, that the compromise bore a striking resemblance to the immortal Irishman's reciprocity, which was all on the one side. True, Mr. Webster accepted about 5,000 square miles less of territory than was claimed on behalf of the people of Maine, but the relinquished tract was largely composed of a barren waste. Lord Ashburton on his part, gave up a territory nearly equal to the combined areas of the two states of Massachusetts and Connecticut. The greater part of the territory so surrendered is fertile, well-timbered, and favorable, not only to settlement and cultivation, but likewise to the construction of railways.

It might be interesting to note here how the surrender of territory, through this miserable Ashburton Treaty, affected, in a marked degree, the cost, location, convenience and value of the Intercolonial Railway. Sir Sanford Fleming, in his volume dealing with the construction of the road, refers to this point as follows:—

"The location of the line being necessarily confined to British

Territory, it was forced to make a considerable detour to avoid entering the State of Maine. Had the boundary been laid down according to the Treaty of 1783, or even in accordance with the proposed settlement previously referred to, there would have been no difficulty in securing a direct eligible route. It is evident from an inspection of the map, and from the natural features of the country, that lines of railway might have been projected so as to bring Montreal within 380 miles of St. Andrews, 415 miles of St. John, and 650 miles of Halifax, and that the distance from Quebec to St. Andrews need not have exceeded 250 miles, or 67 miles less than to Portland, Maine. Fredericton, the seat of local government, would have been on the main line to Halifax, and distant from Montreal about 370 miles; and these lines, moreover, would have been wholly within the limits of the Dominion, had the International Boundary been traced according to the true spirit and intent of the Treaty of 1783. The distance between Montreal and Halifax might thus have been lessened nearly 200 miles, St. Andrew's would have taken the place of Portland as the winter terminus of the Grand Trunk Railway, and would have commanded, together with St. John, a traffic now cut off from both places and centered in a foreign port. The direct route would have brought the Springhill coal fields of Nova Scotia some 200 miles nearer to Montreal than by the present line of the Intercolonial, and would have rendered it possible to transport coal by rail at a comparatively moderate cost. If, under such circumstances, an Intercolonial line to connect the cities of the Maritime Provinces with those of the St. Lawrence had been constructed, the building of 250 miles of railway, representing an expenditure of $10,000,000, would have been unnecessary.'' Then, too, apart from the economy involved, the direct line would also have attracted certain branches of traffic which by a longer route must either be carried at a loss or repelled.

These considerations cause the more regret that the Treaty made by Lord Ashburton, which ceded territory equal in size to two of the smaller states of the Union, rendered such a direct line through British territory forever impossible.

A long stretch of the north-western boundary was also settled by the Ashburton Treaty. The line westward from the Lake of the Woods, eastward to Lake Superior, and thence through the Lakes and rivers to the Neebish channel, was more or less open to controversy. Here again the wide-awake Daniel Webster proved too good a geographer for the British Commissioner. About four million

acres to the west of Lake Superior, a tract which had always been claimed by Great Britain, went to satisfy the thrifty appetite of our neighbor to the South. So also did some large and valuable islands.

The boundary to the West of the Rocky Mountains was not defined, but was left open to become a source of future wrangling, and negotiations several years later.

By the 8th and 9th articles of the Treaty, provision was made for the suppression of the slave trade. It was stipulated that each of the contracting parties should prepare, equip, and maintain on the African coast a naval force of vessels carrying not fewer than 80 guns, to enforce separately and respectively the laws, rights and obligations of each of the two countries for the suppression of the slave trade.

The 10th article provided for the extradition of criminals.

Such, then, are the most important subjects determined by the Ashburton Treaty. Lord Ashburton himself won great and wide popularity during his sojourn in the Republic. The press from one end of the land to the other, lavished the most generous praise upon him. But in England and in British America the Treaty was subjected to a great deal of hostile criticism, and the Liberal press declared that Great Britain, and above all Canada, had been shamefully abused in the transaction.

Ere long certain facts came to light which did not tend to reconcile the nation to the one-sided bargain. It came out that not only had the British contention respecting the north-east boundary been perfectly just and right, but Mr. Webster and some of his associates had all along known, or at any rate had had strong reason for believing it to be so. They had suppressed facts, and had put forward documents which it is scarcely an abuse of language to call spurious. They had persistently contended for the wrong, and when they had finally triumphed through their adversary's weakness, and from his want of the very information they possessed, they slyly congratulated each other on the success of their "deal."

The facts may be briefly stated: in the month of February, 1842, Mr. Jared Sparks, the American historian and biographer, who was then on a visit to Paris, made an important discovery. While ransacking the Archives of Foreign Affairs for historical materials, he came upon an original letter of Benjamin Franklin's written to the Count de Vergennes, on the 6th of December, 1782, six days after the preliminaries of peace had been signed by the representatives of

Great Britain and the United States. Mr. Franklin had from the first represented the United States during the negotiation of the Treaty of Peace with Great Britain. No man, therefore, was more likely than he to know what were the precise terms of settlement. The Count's letter had enclosed a map of North America with a request that Mr. Franklin would mark upon it the boundary line of the United States, just settled. This map was returned by Mr. Franklin with the observation that he had complied with the Count's request by marking the boundary with a strong red line.

Mr. Sparks doubtless felt proud of his discovery, though his complacency may well have been held in check by his perceiving that the red line ran wholly south of the River St. John and between the head waters of that river and those of the Penobscot and Kennebec. "In short," observes Mr. Sparks, "it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. The line leaves on the British side all the streams which flow into the St. John, between the source of the St. Croix and Mars Hill.

These important facts, together with a copy of so much of the map as was necessary to show the Maine boundary, were forthwith communicated to Mr. Webster, who subsequently entered upon his negotiations with Lord Ashburton with a full knowledge of Mr. Spark's discovery. He nevertheless carefully concealed it from his lordship, and proceeded with the negotiations as though he believed the claims put forward by him to be just and righteous.

It is too late, however, to serve any useful purpose by discussing the ethics of the transaction. Lord Ashburton had been authorized to treat with the United States on behalf of Great Britain. He had made a woefully bad bargain, but Britain never dreamed of discrediting her representative. The Treaty was accepted, the ratifications were formally exchanged at London on the 13th of October, 1842, and it became the law of the land. The amicable relations between Lord Ashburton and Daniel Webster continued without interruption, and the latter named one of his grandsons after his lordship. Whatever consolation was to be derived from such a compliment, it is to be hoped Lord Ashburton enjoyed, for assuredly there was no other phase of the transaction upon which he had any reason to greatly felicitate himself.

HAZEL BIGGAR.

Ottawa, January, 1914.

Treaty of Washington, 1871

Ex-President Taft once said: "The tie which binds Canada to Britain is impalpable, and light as air; that tie is impalpable as honor, light as love, but stronger than bargained bonds, more enduring than stipulated terms." Surely this bond was never more nearly broken than during the wild excitement in Canada, over the terms of this treaty. The feeling over our recent attempts at reciprocity with the United States is not to be compared to it, and we are quite in sympathy with the writer who says: "It is not in the sphere of international diplomacy that we must look for ideals or very high examples of justice."

To most minds, our subject brings but a hazy recollection of fisheries and perhaps Fenian Raids, these being the questions about which Canadian feeling ran riot at that period of our history. A short study of the causes leading up to this Treaty, the subject, terms and results of it and the personel of the men who framed it will be necessary in order to understand it.

In the first place Great Britain's chief interest in the questions at issue, was in that known as the "Alabama Claims." The questions which touched more nearly the young Dominion were the San Juan boundary dispute; the water-ways common to Canada and the United States; the damages inflicted on our country by the Fenian Raids; and above all, her exclusive rights to her inshore fisheries.

Fisheries.

During the progress of the war between the Northern and Southern States, some Canadian expressions of sympathy for the South aroused great anger on the part of the Americans, in spite of the fact that 40,000 soldiers of Canadian blood had fought in the Northern armies. One of the first indications of this feeling was the denouncing in 1867 of the Reciprocity Treaty negotiated by Lord Elgin in 1854, and also called the Washington Treaty. The compact had been of great advantage to both nations, and there was a strong desire on the part of Canada to have it continued. However, all exertions in this direction failed, and to avoid humiliation, Canada could make no further effort. There is no doubt that the abrogation

of this Treaty was regarded by many politicians as a means of starving Canada into union with the United States. Immediately on the expiration of the Reciprocity Treaty, our right to the exclusive use of the fishing within the three mile limits of the coast of Canada returned to us. The United States has no inshore fisheries of any consequence, while Newfoundland and Canada have many. It was felt to be very important to our interests to forbid Americans coming into these waters, and this stand would doubtless have been taken had it not been for pressure from the Imperial Government and our desire to be in accord with it, because of the necessity of carrying with us the moral support of Great Britain, and the material assistance of her fleet. Canada, therefore, reluctantly assented to the introduction of licenses for one year at a nominal fee. This came into force in 1866. There was no Marine Police force at that time, and although, at first, a number of licenses were taken out, when the fee was increased to make it a proper recognition of our rights, payments were scarce, and at last very few vessels troubled to take out their licenses, and our waters were entered by fishermen, most of whom were trespassers. It was found necessary, after consultation with the Imperial Government and receiving promises of support, (which were faithfully fulfilled), to fit out a Marine Police force. This caused great agitation among the people of the United States, and in spite of the greatest discretion and leniency in carrying out the laws, there was continual danger of collision and much complaint.

Fenian Raids.

Another source of great annoyance and loss to Canada was the famous Fenian Raids. We are all familiar with this term but possibly it may mean little more than a name to some of us. The Fenian Brotherhood was a modern Irish American Revolutionary Society, whose object was primarily directed against British rule in Ireland. The schemes of the original Society in the old country failed, but the American branch plotted and openly planned a raid into Canada, which the United States Government took no steps to prevent. The first expedition commanded by John O'Neill with 800 men, mostly recruited from the disbanded American army, crossed the Niagara River in June, 1866, and captured Fort Erie. Large numbers of the men deserted and the Fenians were routed at Ridgeway by a battalion of Canadian volunteers. The raid was brought to an end by President Johnson's proclamation enforcing laws of neutrality. Prisoners were released and arms taken away, only to

be procured again for the same purpose four years later, when another raid took place and proved as great a failure. Naturally, Canadian feeling was much exasperated by these outrages which cost our country much expenditure of life and money.

Waterways Dispute.

A third difficulty was the dispute over the navigation of rivers and lakes common to Canada and the United States.

San Juan and Alaska Boundaries.

A fourth was an unsettled boundary line in British Columbia and connected with it the Alaskan boundary line. The former dispute arose from the ambiguous wording of a clause in a treaty by which the Oregon boundary was supposed to be settled. The imperfect direction laid down left the ownership of the Island of San Juan, near the coast of Vancouver, uncertain. It was also necessary that the line between our Northern country and that of Alaska, recently acquired by the Americans from Russia, be well defined.

Alabama Claims.

As to the Alabama Claims, which was not a question vital to Canada, I have heard it said that at one time this matter was the chief topic of conversation and controversy at Ottawa tea tables.

When the Southern States seceded from the rest on the slavery question, and set up a separate government, war was declared by the Northern States. Great Britain issued a proclamation of neutrality, which example was followed by France and other nations. The blockade of the Southern ports not being altogether effective, blockade running soon became an active industry. The Confederates established agencies in England for the purchasing of arms, and building of ships.

Early in the course of the American Civil War, the commissioning of privateers was carried on by the Southerners. Millions of capital belonging to American citizens was captured by them, British Colonial posts offering every facility for these piratical operations. The "Alabama" was the second cruiser built in England for the Confederates and intended for a vessel of war. The United States consul endeavored to have this ship detained on the ground of certain characteristics of her build, but the British government refused to take any action without the proper proof for criminal pro-

secution under the Foreign Enlistment Act. At last the United States Consul at Liverpool managed to obtain the desired evidence, which he immediately laid before the proper authorities. Through some negligence, which has never been properly explained, but possibly connected with the serious illness of a high government official, the papers were returned too late for the seizure of the obnoxious "Alabama," which had sailed. She later carried on the business of a privateer until she was sunk off Cherbourg by a United States man-of-war. There were a number of other Confederate cruisers carrying on piratical manoeuvres, but none became so famous. There were other losses and claims, but the first, growing out of the case of the "Alabama," gave rise to the name.

The United States Government alleged two grievances against Great Britain: First—recognition of the Southern States as belligerents and general manifestation of unfriendliness in other ways; Second—In respect of breaches of neutrality in allowing the "Alabama" and other vessels to be built and equipped in British territory. Friendly relations between England and the United States had been upset and it was most important that peace be restored.

This then was the condition of affairs when in the year 1870, the Canadian Government saw clearly that it would not be for the country's good to prolong delay in asserting her rights in the matter of the fisheries and other questions. The Honourable Alexander Campbell was therefore sent to consult the Imperial Government concerning a number of things, among them "the recent invasion of Canadian territory by citizens of the United States, and the systematic trespassing of Canadian fishing grounds by American fishermen."

Mr. Campbell's strong setting out of facts gave the British Government an opportunity to take action, and through the British Ambassador at Washington, they proposed the appointment of a joint high commission "to treat and discuss the mode of settling the different questions which have arisen out of the fisheries, as well as those which affect the relations of the United States towards Her Majesty's possessions in North America." In reply it was suggested that the matter of the "Alabama Claims" would also be essential to the restoration of cordial and amicable relations between the two governments, and should therefore be one of the subjects treated by the Commission.

The outcome was the appointment of a commission to meet at Washington. The British members of this body were as follows:—

Earl de Grey and Ripon, Lord President of the Privy Council and a member of Gladstone's Cabinet.

Sir Stafford de Northcote, who had been Secretary of State for India in Disraeli's Government ,and represented Conservative party on Commission.

Sir Edward Thornton, British Minister at Washington.

Sir John A. McDonald, Attorney-General of Canada.

Mr. Montague Bernard, Professor of International Law at Oxford.

Thus Cabinet ministers of the past as well as present government, the diplomatist who should have been and doubtless was best informed on the subjects to be discussed; a representative of those British possessions, whose interests were so closely concerned in the result of the commission; and a distinguished teacher of International law of England's greatest University were selected to protect the British side of affairs, while their Secretary was Lord Tenterden, Assistant Under-Secretary for Foreign affairs and the man in all England supposed to be most conversant with the diplomatic history of the "Alabama Claims."

The Americans were:—

Hon. Hamilton Fish, Secretary of State.

Maj.-Gen. Robert Schenck, who had just been appointed Minister to England, but was detained from his post to take part in this Commission.

Hon. Samuel Nelson, Assistant Justice of Supreme Court of United States.

Hon. E. R. Hoar, Late Attorney-General of United States.

Hon. Geo. Williams, late U.S. Senator and now Attorney-General of United States.

Secretary—Hon. J. C. Bancroft Davis, Assistant Secretary of State.

So that in official position and ability the United States representatives were the peers of the British.

Such were the men who framed the Washington Treaty of 1871.

Before taking up the negotiations of these men, let us note that this was the first time a colonial had been asked to assist in International affairs. It required a strong man to hold the balance justly between interests which were local and those which were broadly Imperial. Sir John A. McDonald accepted the position with many forebodings. He anticipated exactly what happened: that the in-

terests of Canada would be sacrificed to those of peace. The young Confederation was face to face with many difficulties, and at first, Sir John felt that for the sake of her own interests she should not be represented on the Commission, but eventually, he realized, that if the matter were allowed to go by default and the interests of Canada should be settled by Americans, who had adverse interests, and England having no interest at all, the Canadian Government would be much censured, and England would at once say, that we had had the chance and declined it. Therefore, in conformity with the wishes of his colleagues, he consented to be one of the Commission. It is said that nothing in all his career so wounded him, as the charge of betraying his own country, when he signed this treaty. In his speech before the House of Commons in the following year he says:—

"When someone writes my biography, if I am ever thought worthy of having such an interesting document prepared, and then, as a matter of history, the questions in connection with this treaty are upheld, it will be found that upon this, as well as upon every other point, I did all I could to protect the rights and claims of the Dominion."

It has been said that "The Treaty of Washington" was negotiated by the representatives of both high contracting parties in a large, statesman-like, wise and, at the same time truly patriotic spirit, with a view to banish all causes of difference between the two peoples and to bring about a genuine good feeling which should be at once complete and lasting. Everything which had hitherto occasioned rancor, everything which might hereafter prove a source of difficulty was, if possible to be removed."

Unfortunately for Canada, and England too, behind the American High Commissioners, whatever their intentions may or may not have been, was the American Senate, and it was then just as impossible to know what an American Senate will do, as it is today.

Meeting at Washington.

Sir John speaks of the reception of the Commissioners at Washington as being a warm one, the establishment of a bachelor's hall of their own, which became a social centre; Lord de Grey being hospitably inclined, even to the extent of bringing his own chef with him.

The Commissioners met for the first time at noon on February 27th, and sat every day afterwards at the same hour, with many

private caucuses of the separate factions besides, to say nothing of intimate and warm conversations between Sir John and his various British colleagues.

Alabama Claims.

It was decided early in the proceedings, that the "Alabama Claims" should be submitted to Arbitration. The Arbitration to be composed of five members, and to meet at Geneva, at the earliest convenience. Other points in connection with this matter considered very important in International law were also decided. The settlement of these difficulties was, of course, the point most interesting and important to the British Commissioners, and in order to insure the accomplishment of this one thing, they were ready and did sacrifice every other point of negotiation.

San Juan.

Next came the claims to the Island of San Juan, and these, after little discussion were left to be decided by the German Emperor.

Our Canadian Commissioner considered this Agreement as one to which no one could have any objection. No more distinguished arbiter could have been selected, and he would have the assistance of the ablest and most eminent Jurists in the world. The question of the boundary line between Canada and Alaska was left to be settled by engineers.

Waterways.

The Waterways question was next submitted for discussion. The Americans greatly desired free and untrammeled use of our noble St. Lawrence and its attendant Canals, and offered as an equivalent the navigation of Lakes Michigan and Champlain, and of the Sault Ste. Marie and St. Clair Flats canals. This proposition was absurdly inadequate, as we already had as great a right to use Lake Champlain as Lake Ontario, and by the Ashburton Treaty, we had the right to use all channels through the St. Clair Flats; so that the only thing remaining was the Sault Ste. Marie Canal, one mile long, against our Welland and St. Lawrence Canal of seventy miles. In this case, as in many others, during the negotiations, in order to avoid the appearance of any difference of opinion between Canada and England, the strength of Canada's objections was not allowed to appear. At Lord de Grey's suggestion, matters were left unchanged, with the understanding that it was not desired "to close the door against further propositions."

Fenian Raids.

It was found, when the Commission met, that, through some oversight on the part of the British Ambassador, Sir Edward Thornton, the Fenian Raids question had not been expressly included in the terms of reference formally agreed upon. From the first Canada had fully expected that her claims for compensation on account of these raids would be one of the subjects brought before the Commission. When the matter was brought up the Americans immediately stated that they had no authority to deal with it, and that it could only be done through revised instructions, which would mean great delay. After consultation by cable with Mr. Gladstone's cabinet, definite instructions were sent to the Commissioners to withdraw these claims. At the same time the British Government assumed entire responsibility for Canada's losses. These claims were quite as well founded as those created by the depredations of the "Alabama," and the reasons for their withdrawal have never been made quite clear, but must be assigned to the strong desire felt in England, to remove all hindrances to the early completion of a treaty. As Sir John said in one of his letters: "I must say I am greatly disappointed at the course taken by the British Commissioners. They seem to have only one thing in their minds; that is, to go home to England with a treaty in their pockets, settling everything, no matter at what cost to Canada."

Fisheries.

There now remained only the question of the fisheries, and it was over this question that the Commissioners argued week after week. Before the first sitting of the Commission, Lord de Grey discovered from reliable outside information (that is outside the Commission), that there was no chance of renewing the Reciprocity Treaty of 1854, and that the Americans were determined to have the inshore fishing, without question of rights, but were willing to pay for it.

No one had anticipated that the "Alabama" question and our fisheries would be grouped together and dealt with as a whole, as they were for the purpose of the treaty. When it was agreed to submit the "Alabama Claims" to Arbitration, it was urged that if the fishery question were not settled, the ratification of the whole treaty would be endangered. Instead of full reciprocity in return for the fisheries, which was what our people wanted, the American Commissioners offered to admit free of duty, coal, salt, lumber and fish. Sir John McDonald stood alone against this for the British

Commissioners wished to consent. He knew and pointed out, that the offer was an insult. The import duty on coal and salt was so unpopular throughout the United States, that it was certain to be taken off in any case; Canadian fish and lumber were both necessities to the American consumer, who would himself have to pay the duty, so that this concession was of no advantage to Canada. Situated as he was between American Commissioners keen for a good bargain, and the English impatient for a final treaty, he writes: "The absurd attempts of the United States Commissioners to depreciate the value of our fisheries would be ridiculous, if they were not so annoying. They found our English friends so squeezable in nature that their audacity has grown beyond all bounds." It was even suggested that the Americans buy the fishing rights in perpetuity, but our Commissioner informed the British Government by cable, that Canada considered the fisheries her own undisputed property, and that no one had any right to dispose of them and rob posterity of its right. He received in reply, a promise that this, at any rate, should not be done. His attitude in standing out against these proposals was roundly criticized by his British colleagues and was declared to be the only obstacle in the way of peace between Great Britain and the United States. In spite of this he tried to secure free lumber, salt, grain and wool in exchange for the fishing rights, but failed. The Americans finally offered a lump sum for these rights for a certain time, the amount to be settled by arbitration. Arbitration over the value of one's own undisputed property is a very different thing from arbitration about doubtful right of possession, and when this news came to Ottawa, Sir John's ministers there were incensed, and the following telegram was sent to Washington:

"We are sensible of the gravity of the position and alive to the deep interest which Canada has in the settlement of all disputes between Great Britain and the United States. The Queen's Government having formally pledged herself that our fisheries should not be disposed of without our consent, to force us now into the disposal of them for a sum, to be fixed by arbitration, and free fish, would be a breach of faith, and an indignity never before offered to a great British possession. The people of Canada were ready to exchange the right of fishing for reciprocal trade rights to be agreed upon, but if these cannot be obtained she prefers to retain her fisheries, and she protests against the course which, against her will, is being pursued with reference to her interests and property. We were never informed that the fisheries would be inextricably mixed up with the "Alabama" question and would not have apprehended that an

UNIVERSITY OF VICTORIA
LIBRARY
Victoria, B. C.

attempt would be made to coerce us into an unwilling disposal of them to obtain results, however important on other points of dispute. Our Parliament would never consent to a treaty on the basis now proposed.'' Unfortunately, these expressions of opinion came too late. The home government had sent direct instructions to the Commissioners to agree to the proposal for free fish and a money compensation to be settled by arbitration, subject to ratification by Canada.

Our Commissioner was now in a very awkward position, and his colleagues at Ottawa urged him to resign from the Commission, rather than sign such an agreement, which he believed the Canadian Parliament would reject. Finally and wisely he decided to remain and watch Canada's interests in regard to the navigation of the St. Lawrence and canals and the bonding privilege and a few minor matters. His letters at this time are exceedingly interesting. To Dr. Tupper he wrote: ''The rights of Canada being substantially preserved by reserving to her the veto power as to the fisheries, I am sincerely desirous that a treaty should be made, as it is of the greatest importance that the ''Alabama'' and San Juan matters should be settled, especially the former. The expectations of the American people of a settlement of these matters have been strung to a very high pitch and the disappointment, in case the negotiations end in nothing, will be very great. If this attempt to settle the ''Alabama'' question should fail, no peaceable solution of it is possible, and the war cloud will hang over England and Canada.''

The Treaty Signed.

This Treaty of Washington was therefore duly signed on May 8th, 1871.

As we have noted, by it the ''Alabama'' question was left for arbitration; the San Juan Boundary was to be settled by the German Emperor; an agreement for twelve years was made by which fish and fish oil from one country, should be admitted free of duty to the other, and the Americans to be allowed the rights of Canada's fisheries for the payment of a lump sum, the amount to be determined by another commission.

The right of navigation on the Great Lakes and in the St. Lawrence River and Canals was made free to both nations. The Americans were allowed to float lumber from the Maine woods down the St. John River; and the free transfer of bonded goods through each country was arranged for.

Results.

When the terms of the Treaty became known, a storm of indignation swept over Canada, and it would have been still greater had it been known that the Fenian Raid claims had been ignored. Sir John was freely denounced as a traitor who had sacrified the interests of Canada to gain Imperial approval. The general discontent over the Treaty was dangerous not only to the Conservative Government but to the newly formed Confederation, but, on the whole, the results were not nearly so disastrous as was feared. England, probably, fared the worst, for the Americans so altered their demands by adding indirect damages to the "Alabama" claims, before submitting the question for arbitration, that their sum total assumed enormous proportions, and Great Britain was obliged to pay $5,500,000 to the United States.

$15,500,000.

The German Emperor, in October, 1872, gave his decision on the San Juan boundary question unreservedly in favor of the Americans and the Island was immediately evacuated by the British troops.

An Imperial guarantee for a loan for the construction of railways was the only compensation received for the Fenian Raid claims. The thought of Great Britain meekly paying a debt due from a foreign power, and one most persistent where its own rights were concerned, was not at all flattering to the British pride of the Canadian people.

The Fishery Commission, which sat at Halifax, gave Canada $5,500,000 as excess value of its fisheries for twelve years, and after much hesitation this sum was paid by the United States. A rather amusing result of this award was that the fishermen of the Maritime provinces, who were most concerned, were quite complacent about it, and considered that it would work out well in practice, and it was the farmers of Ontario who felt outraged over the matter.

When it was found that the fishery articles were fairly satisfactory to the majority of the people most concerned, neither Sir John nor his Government felt that it would be advisable to oppose its ratification, and upon the motion of Sir John before the House of Commons, in one of the ablest speeches of his life, the Treaty of Washington was duly ratified by Canada and brought into operation by proclamation, on July 1st, 1873.

It has been spoken of as an epoch making treaty, because it marked a new era in the history of Imperial negotiations.

Hitherto, the mother country had made all treaties affecting Canada, and had been alone responsible for their execution; now a colonist, intensely alive to the claims of his own section of the Empire, and well qualified to represent them, had been given an opportunity to aid in framing a treaty which affected the whole. No longer was Canada to be a source of danger and anxiety to England, but the keynote of her future position was now struck.

"A Nation spoke to a Nation,
A Queen sent word to a throne,
Daughter am I in my mother's house,
But Mistress in my own."

Canada has become Britannia's right arm; a worthy daughter of a great mother, and henceforth the spirit of co-operation, of which the first note was sounded during these negotiations, will be the only possible medium for diplomacy among the British people.

EDITH M. McLEAN.

March 14, 1913.

Reciprocity Treaty of 1854

Sixty years have passed since this reciprocity treaty was made between Great Britain and the United States of America. The making of it was considered in Great Britain an excellent piece of diplomacy on the part of the English nobleman who was sent to Washington in charge of it, and in the Canadas its advent was hailed as the forerunner of great good fortune.

Those were early mid-Victorian days, and our country then was a quite young person compared to her of whom the poet sings "daughter am I in my mother's house, but mistress in my own," the union of the Legislatures had taken place in 1840, but in 1854 people still spoke of "the Canadas" and there was far more than the boundary line dividing Upper from Lower Canada. Lower Canada being the older, rather resented the sudden growth of her sister Province, and where there should have been peace and unity, there was more often distrust, jealousy, and discord. The rebellion of '37 was not quite forgotten; its embers still smouldered. A serious business depression was over the land, felt perhaps most at Quebec and Montreal. There had been trouble over the rebellion losses bill, trouble over the Clergy reserves; and, to make matters worse, the British Government seemed inclined to look upon the Canadian Colonies, so hardly fought for and so bravely won in the preceding century, as rather more of a burden than a blessing. Annexation was freely spoken of, not only by the hot-headed and the thoughtless, but by peaceful, quiet, law-abiding citizens of British as well as of French extraction. Their neighbours to the South were growing richer and more powerful, building beautiful cities, laying great railway lines, while they themselves were growing poorer. Why should they not share in this prosperity, why not accept the proffered hand? What might have happened and so changed the page of history, did not happen, mainly because the British Government sent out at this critical moment to represent Her Majesty in Her Canadian Colonies, a man of deep discernment, unusual tact, great firmness, and above all a man who realised the people's needs, gave them his sympathy, and devoted his great ability to their service. Dean Stanley, in his admirable Preface to the "Life and Letters of Lord Elgin" says, "he possessed that rare quality of a strong and

over-ruling sense of the justice due from man to man, from nation to nation, that firm, courageous, and far-sighted confidence in the triumph of those liberal and constitutional principles which having secured the greatness of England were in his judgment, also applicable under other forms, to the difficult circumstances of new countries and diverse times."

Lord Elgin came to Canada in 1847, and although for a time he had to reap what his predecessor had sown, he managed to draw out the weeds and put in the good seed. He found a weak Government in office afraid to meet a determined opposition. In 1848, the Ministry finding itself in the minority, Lord Elgin called upon Messrs. Baldwin and Lafontaine to form a Government. In this Government there were some who had taken part in the rebellion of 1837, and there were others who because they were not rebels, considered themselves to have been badly treated by the Home Government. In fact the difficulties and dangers threatening the Colonies were enough to have discouraged a less strong man than Lord Elgin. But he had faith in the future, and courage. Fortunately for him, and for Canada the then Secretary for the Colonies was none other than the famous statesman Earl Grey, who, realizing with Lord Elgin the importance of the Colonies, coincided with his views and gave him what assistance he could.

A brilliant fellow citizen of ours wrote lately in a literary column of his, that he hoped sometime to read a "history of revolutions" written by a Banker. The commercial question was certainly at the bottom of all this talk of annexation. Writing to Lord John Russell in 1849 Lord Elgin says, "Let me assure your Lordship, and I speak advisedly in uttering this assurance, that the disaffection now existing in Canada, whatever may be the form with which it may clothe itself, is due mainly to commercial causes. I do not say that there is no discontent on political grounds, but I make bold to affirm that so general is the belief, that under the present circumstances of our commercial condition, the Colonists pay a heavy pecuniary fine for their fidelity to Great Britain, that nothing but the existence, to an unwonted degree, of political contentment among the masses has prevented the cry of annexation from spreading like wildfire through the Provinces."

In the same year he wrote to Earl Grey, "If things remain on the same footing in this respect, there is nothing before us but violent agitation, ending either in convulsions, or annexation. And I fear that no measure but the establishment of a reciprocal trade between

Canada and the United States, or the imposition of a duty on the produce of the States when imported into England will remove it."

It was three years earlier than this that the Canadian Parliament sent an Address to the Queen, praying that the prospective changes in the admission of foreign grain into the British markets, might be made with some reference to the needs of Canada. This Address contained also a request for the opening of negotiations with the United States for the admission of the products of either Countries into the ports of the other on equal terms. This was the beginning of the reciprocity negotiations between the two countries, for the culmination of which Lord Elgin used his eloquence, his tact and his diplomacy. To him reciprocity with the United States meant the salvation of the Colonies, he considered it preventative to annexation; whereas sixty years later, when reciprocity was again before the public, it was looked upon by many, as meaning nothing less than annexation. Professor Hadley defines reciprocrty as "a relation between two independent powers, such that the citizens of each are guaranteed certain commercial privileges at the hands of the other." The privileges given must, of course, be equivalent." And so, in May, 1846, the Canadian Parliament sent this message to Her Majesty Queen Victoria, and in the summer of the same year a favorable answer was received from the British Government. Mr. Pakenham, the British Minister at Washington, was instructed to place the matter before the Secretary of the Treasury, Mr. Robert J. Walker. Mr. Walker was, himself, like many other prominent men in the Republic, favorably disposed towards the reciprocal idea, and so he promised to do what he could towards bringing the matter to a successful issue. He realised, however, that Congress would not be likely to accept it, and thought it better to adopt concurrent legislation rather than attempt the negotiation of a treaty.

Canada had recently been granted by England the right to make her own tariff, and acting on this permission, she had already placed the products of the United States on the same basis as those of Great Britain, but this kindly action did not bring forth any reciprocal treatment from Washington. In 1849 the Canadian Parliament, nothing daunted, passed an Act to "provide for the admission of certain articles, the growth and production of the United States into Canada, whenever similar articles, the growth and production of Canada, shall be admitted into the said States." The Governor-General was authorized to proclaim this Act, and put it into effect as soon as it should be announced to him that corresponding steps had been taken by the United States.

An attempt at least was made by the United States to keep faith with Canada, when in 1848, Mr. Grinell, the Chairman of the Committee of Commerce of the House of Representatives, introduced a bill calling for the abolition of duties upon agricultural and natural products coming from Canada. This will was accompanied by a letter from the Secretary of the Treasury thoroughly endorsing the measure and recommending its passage. It passed the House of Representatives but was unable to get through the Senate.

Another reciprocity bill was reported to the House of Representatives in 1850, but was met at the outset with the old objection concerning the free navigation of the River St. Lawrence. This bill was sent back to the Committee of Commerce with orders to provide for the free navigation of the St. Lawrence, and to incorporate the same in the bill now pending before the Senate. It was generally considered that the markets of Canada were not equivalent to those of the United States and if only Great Britain would grant a free use of the St. Lawrence would it be worth while for the United States to enter upon negotiations. President Taylor was of this opinion himself, and in response to inquiries whether the British Government would include the free navigation of the St. Lawrence in addition to the reduction of tariff duties, the British Ambassador at Washington informed the President that his Government was willing to grant by treaty the free navigation of the St. Lawrence and other Canadian waters to the United States. This was the first official suggestion of a resort to treaty, as a means of arranging the reciprocity plan between the two countries.

Notwithstanding this favorable answer Congress kept dallying with the question for the next three years. They were afraid of giving too much and getting too little. Then the fisheries question, which was supposed to have been settled by treaty in 1818, began to mix in with the plan for reciprocity. There were so many different interpretations of the fisheries settlement that it was a constant source of misunderstandings. And in both Canada and the United States it was deemed advisable to add to Trade Reciprocity, the free use of the St. Lawrence and other Canadian waters and equitable fishing arrangements.

The introduction of the fisheries into the bargain, interested not only the Maritime Provinces, but British Columbia as well as Canada. Consequently the negotiations were made to include all the British possessions in North America. Just before the close of Congress in 1853 Mr. Breckenbridge introduced a measure request-

ing the President "to arrange by treaty, the questions connected with the fisheries on the Coasts of British North America, the free navigation of the St. Lawrence, the export duty on American lumber in the Province of New Brunswick, and reciprocal trade with the British North American Colonies on the principles of liberal commercial intercourse."

Great Britain being convinced that it was in the best interests of her Colonies to have reciprocal trade with the United States, dispatched at once a delegation to Washington. The Government made a wise choice in selecting Lord Elgin as Chairman of the delegation. It was his first diplomatic mission, but no one in England or in Canada, was better fitted for the post. He understood the case thoroughly and was anxious to secure the best terms possible for the Colonies. The party that went to Washington consisted of Lord Elgin, Mr. Francis Hincks, then Prime Minister, Captain Hamilton, A.D.C., and Mr. Lawrence Oliphant, Private Secretary.

The brilliant pen of Mr. Oliphant has left some spicy bits of inside history of the making of the treaty. The arrival of the delegation in Washington was somewhat inopportune, as the Senate was largely composed of Democrats, who were entirely opposed to anything savouring of concessions to England. Nevertheless Lord Elgin was most favorably received, especially by the President, Mr. Franklin Pierce, and Mr. Marcy, Secretary of State. Personally both these gentlemen were in favour of the negotiations, but they held out little hope of their passing the Senate.

English noblemen were not then so frequently to be seen in Washington society as they are today, and as Lord Elgin was possessed of a charming personality, and well supplied with English gold, which was freely spent in delightful entertainments, his stay at the American Capital, was a brilliant, as well as a memorable one. It was rumored in political circles—and the rumor has somehow got into history and seems inclined to stay there among the prosy facts, that the "treaty was bought with English gold," and "floated through on champagne." Lord Elgin certainly set himself to work to win over the Senate, and whatever means he used he accomplished his end. Laurence Oliphant says that after a few days in Washington he began to wonder what they were driving at. To make sure of this he remarked to Lord Elgin, "I find that all my most intimate friends are Democratic Senators." "So do I," replied his Lordship dryly.

Charges of corruption were freely circulated by those against

the treaty, but the general verdict was that Lord Elgin had done his part of the negotiations with all the finesse of an astute diplomat. Laurence Oliphant in a letter written at the time says, "Lord Elgin pretends to drink immensely, but I have watched him, and don't believe he drank a glass between two and twelve. He is the most thorough diplomat possible and never loses sight for a moment of the object he has in view, and while he is chaffing Yankees, and slapping them on the back, he is systematically pursuing that object." So well in fact did he manage things that after about ten days of social activity in Washington Lord Elgin went to Mr. Marcy and told him that if the Government was prepared to adhere to its promises to conclude a reciprocity treaty with Canada, he could assure the President that he would find a majority of the Senate favorably disposed to it. Mr. Marcy was so much surprised at this news that Laurence Oliphant began to doubt that he ever wanted to make the treaty, which on a former visit he had professed himself so much in favour of. In the next three days all the necessary arrangements were made, and on the sixth of June, 1854, Lord Elgin had the gratification of signing with Mr. Marcy the Reciprocity Treaty between Great Britain and the United States of America.

Laurence Oliphant, the Secretary, was then a young man and had not yet written those interesting novels which placed him so high among the fiction writers of the mid-Victorian era; so that in writing to his mother on the seventh of June, he could hardly have imagined that his letter would one day be made public, and that future generations would by it be taken behind the scenes and see for themselves. In his somewhat flippant word picture of the signing of the Treaty, he writes, "We are tremendously triumphant; we have made a stunning treaty. When I say we.—It was in the dead of night, the last five minutes of the fifth of June, and the first five minutes of the sixth day of the month aforesaid, that in a spacious chamber, by the brilliant light of six wax candles, four individuals might have been observed seated, their faces expressive of deep thought not unmixed with cunning, their feelings however, to the acute observer, manifested themselves in different ways, and this was natural, as two were young and two were aged—one indeed far gone in years, the other prematurely so.

He it is whose measured tones break the solemn silence of midnight, except when one of the younger auditors, who are intently poring over voluminous Mss. interrupts him to interpolate "and" or scratch out "the." They are, in fact, checking him, and the aged

man listens, while he picks his teeth with a pair of scissors, or clears out the wicks of the candles with their points and wipes them on his hair. He may occasionally be observed to wink, either from conscious "cuteness" or from unconscious drowsiness. Attached to these Mss. by red ribbons are the heavy seals. Presently the clock strikes twelve, and there is a doubt whether to date is to-day, or yesterday. For a moment there is a solemn silence, and he who was reading takes the pen which has been impressively dipped in the ink, by the most intelligent of the two young men, who appears to be his Secretary, and who keeps his eyes wearily upon the other young man, who is the opposition's Secretary, and interesting, as a specimen of a Yankee in that capacity. There is something mysterious in the scratching of that midnight pen, for it is scratching away the destinies of nations. And then it is placed in the hands of the venerable "file," whose hand does not shake, although he is very old, and knows he will be bullied to death by half the members of Congress. The hand that had used a revolver on frequent occasions does not waver with a pen, though the lines he traced may be the involver of the revolver again. He is now the Secretary of State,—before that a General in the Army; before that Governor of a State; before that Secretary of War; before that Minister to Mexico; before that a member of the house of Representatives; before that an adventurer; before that a cabinet-maker, so why should the old man fear? Has he not survived the changes and chances of more different sorts of lives than most men, and is he afraid of being done by an English Lord? So he gives us his blessing, and we leave the old man and his Secretary, with our Treaty in our pockets."

An Act to carry the Treaty into effect was passed by Congress on August 5th, 1854. It was hailed with joy in both England, and the Provinces. It was passed by the Legislatures of Canada, New Brunswick, and Nova Scotia, Prince Edward Island, and Newfoundland, with an aggregate of only twenty-one dissenting votes. The Canadian part of the Treaty covered the navigation of the St. Lawrence, the Fisheries question, and trade relations. It was not only a reduction of duty, but was complete free trade between the two countries in relation to a number of articles which were the growth and product of the exporting nations. The principal products affected by it may be classed under the following heads:—Products of the mine; Products of the forests; Products of the sea; Agricultural products.

One benefit of the Treaty as far as Canada was concerned was the introduction into the United States of many Colonial products

which under the previous high tariff were not regarded as profitable articles of commerce. The introduction of American enterprise into the fisheries of the Provinces was expected to infuse new life into the industry. The satisfaction felt in England over the benefits which were to accrue to the Colonies through the Treaty was mingled with the personal satisfaction, that at last an "Entente Cordiale" was to be established with the United States. But in this England was disappointed, for before long the old feeling of distrust and dislike, began to manifest itself in the United States. Troublous times were at hand, times of unrest and political changes. The Civil War came on, and England was accused of, and no doubt did show, sympathy with the rebels of the South. Enemies of Great Britain and the British Provinces, began to find flaws in the Reciprocity Treaty. Although from a commercial point of view it undoubtedly benefitted the States, it also benefitted Canada, and Canada, while refusing to become annexed to her powerful neighbour, must not be allowed to develop so rapidly. There were, of course, many staunch supporters of the Treaty who vainly endeavoured to stem the tide of resentment against it by pointing out that what defects it had, might be remedied by Legislation. The enemies of the Treaty had many arguments. The markets of Canada were not large enough, not worth while bothering about, the United States were giving more than they were getting. In fact so many reasons and excuses were brought forward for abrogating the Treaty that one is reminded of the fable of the wolf, who finding a lamb drinking beside him at the brook decided upon eating the lamb, but first made an elaborate explanation of why he was obliged to do so.

On March 17th, 1866, the Treaty was terminated. Strange to say, during the last few years of its threatened existence, no substantial effort was made by either Great Britain or Canada to keep it alive. After it was abrogated a delegation of prominent Canadians met in convention with a number of prominent American citizens in Detroit and unanimously protested against the abrogation of the Treaty. They united in urging upon the Government at Washington the great importance of immediately opening negotiations for a new arrangement at least as liberal on both sides as the one about to expire. Their action was approved by every Board of Trade and Chamber of Commerce in the country taking any interest in the matter. But the Government did nothing.

In Canada, but more especially in the Maritime Provinces, the abrogation of the Treaty seemed to mean almost financial ruin. I

have been told by a gentleman who was a boy at the time that he remembers the fish rotting on the wharves at Halifax and other Maritime towns and that potatoes were left to rot in the fields because there was no market for them. Business stagnation seemed to settle down upon these fair Provinces, the American markets were closed and there was no other open.

But it was the hour before dawn, and out of the darkness came a light—the light of Confederation. The two Canadas, the Provinces down by the sea, and soon after the far off Province of British Columbia, joined hands in the bonds of sisterhood; they had new hopes and great aspirations; their unity meant strength, and the fair Dominion of Canada took her place among the nations.

AGNES M. DAVIS.

Ottawa, February 13th, 1914.

Some Confederation Reminiscences of the Hon. Senator Costigan

BY HIS DAUGHTER.

Madame President and Fellow Members of the Historical Society:—

When a short time ago I, in a moment of weakness, consented to give you, instead of the usual chapter of history, a few reminiscences of my father's political career, I little realized to what I was committing myself. A few days later I was told that the subject merited much more than a few moment's talk and that I must dip my pen into the treasure box of my father's recollections and bring the result to you in the form of a paper.

Unfortunately my ability had not grown with the importance of the subject; and, though appreciating the honor done me, I felt that while by reason of my sex my tongue might not have failed me, my pen was quite unequal to the task.

However, previous experience had taught me that this Society always selects for Convenor of Programme Committee its most persistent, most persuasive, and altogether most irresistible member, so that opposition to her demand is useless. Once that officer eyes you in the light of a possible victim you are lost. Hence my appearance here today. If I bore you, you know whose the fault.

It is quite true, as a clever young Canadian writer said in a recent issue of the Toronto Star Weekly that "When a man has sat " in the Legislature of New Brunswick for six years before Confed- " eration, when he has had the honor of sitting in the first session " of the first Parliament of the Dominion, and has continuously and " uninterruptedly been in active politics since; when during the " course of that long and eventful time he has never sustained de- " feat; when he has held an important Cabinet portfolio in the " Administration of Sir John A. Macdonald for ten years; when he " has been Secretary of State under the Government of Sir John " Thompson; when he has been Minister of Marine and Fisheries " under both the Bowell and Tupper Administrations; when he has " occupied a seat in the Senate since 1907, and when now at the age " of 79 he is hale and hearty, and physically and mentally strong, it

" is probable that such a man is infinitely more interesting than the " ordinary member of the human procession." But when that man is an exceedingly modest one, most reluctant to speak of his doings, it will be admitted that my task was not easy. Had you asked me to get you some good fish and game stories, I think I would have been more successful; as my father is more readily won to telling of his achievements in forest, lake and stream than of those in the field of politics; and more inclined to boast of his conquests with rod and gun than of his political triumphs.

The very clever and interesting paper read by Mrs. Davis at our last meeting brought us up to the time of Confederation, where I shall begin today.

My father was opposed to Confederation as indeed were the majority of the people of the Maritime Provinces. In 1866 New Brunswick threw out the Smith-Tilley Government on that issue by a majority of 31 to 9, every member of the Government being defeated with the exception of Hon. Peter Mitchell, whose seat in the Legislative Council was for life. The following amusing little incident will show how closely identified was Mr. Mitchell with the Confederation movement. His wife, a very estimable and clever woman, who took an active interest in religious and philanthropic works was, on one occasion, addressing a religious meeting. In the course of her remarks, after quoting several passages from the Scriptures relating to St. Peter, Mrs. Mitchell added, "And what, my dear " friends did Peter say?" Before she could proceed, a voice from the rear cried out, "Confederation at any cost."

As I am not writing a history of Confederation, I am spared the task of explaining the sudden conversion of so many members that in the following year Confederation was passed in the New Brunswick House by a majority of 33 to 8.

Prince Edward Island, formerly the Island of St. John, the name having been changed in compliment to Edward, Duke of Kent, while he was Commander-in-Chief of the Royal forces at Halifax between 1794 and 1799, had shown her preference for independence when in 1770 she separated from Nova Scotia, (which then compassed all that is now known as the Maritime Provinces), and held out against the Union until 1873. Nova Scotia put up the most determined fight; even going so far as to petition the Queen for release after the Act had been passed. Her great statesman, Hon. Joseph Howe, declared that the Maritime Provinces were sacrificed, being used at makeweights to relieve the embarassments of the Government of Canada

(Upper and Lower), which was at that time passing from one deadlock to another caused by the antagonism of races, dual leaderships, double majorities and rival politicians.

In 1864 a Convention was held at Charlottetown to consider the Union of the Maritime Provinces. Hearing of this Canada sent delegates down to present the scheme of Union with Upper and Lower Canada. Out of this grew a larger Convention meeting at Quebec where, during three weeks of what Joseph Howe described as "light labors and exhaustive festivities," the Quebec scheme of Confederation was produced. A Canadian delegation was then sent to England with these resolutions which, after several months of labor with the co-operation of British Statesmen and the assistance of law officers of the Crown, were moulded into the form of the Act as we now know it. We can easily imagine with what readiness England assisted in the working out of a scheme which promised relief from a state of government in Canada so unsatisfactory at home, and so harassing to the Imperial authorities, that Lord Palmerston, still smarting under the defeat of the Militia Bill and the Macdonald-Cartier Administration which he considered an evidence of disloyalty had, in a public address, practically said that "Canada might now shift for herself." On the 28th of March, 1867, the British North America Act or Confederation Bill received the Royal Assent in England and a proclamation was issued by the Queen naming July 1st (known since as Dominion Day), the birthday of the Dominion of Canada, with Lord Monck, then Governor of Canada, as first Governor General.

The healing hand of time softened the bitterness of opposing opinions and it was soon evident that neither old Canada nor any of the other Provinces would have cause to regret the bringing together of politically separated possessions of Great Britain on this North American continent to form a new nation which is destined to become one of the greatest the world has ever known. Already we see verified the prophesy of the Marquis of Lorne who, on one occasion, while Governor General here said, "Of one thing you may be sure, that the country you call Canada, and what your sons and your children's children shall be proud to call by that name will be a land of power among the nations."

It has been said that the keel of Confederation was laid at Charlottetown; and I might say here that a movement is now on foot to celebrate next summer at that place the fiftieth anniversary of the Convention which started the great work, and may I hope that if these plans materialize our Society will not be unrepresented there.

Lord Monck named John A. Macdonald as first Prime Minister of Canada. The honor of Knighthood was conferred upon him by her Gracious Majesty the Queen and Sir John at once proceeded to form his first government (a coalition), the personnel of which was as follows:

The Hon. Sir John Alexander Macdonald, Minister of Justice and Attorney General.
Hon. Adam Johnston Ferguson Blair, President of the Privy Council.
Hon. Hector Louis Langevin, Secretary of State for Canada.
Hon. Alexander Tilloch Galt, Minister of Finance.
Hon. William Macdougall, Minister of Public Works.
Hon. Alexander Campbell, Postmaster General.
Hon. Jean Charles Chapais, Minister of Agriculture.
Hon. Edward Kenny, Receiver General.
Hon. George Etienne Cartier, Minister of Militia and Defence.
Hon. Samuel Leonard Tilley, Minister of Customs.
Hon. William Pearce Howland, Minister of Inland Revenue.
Hon. Peter Mitchell, Minister of Marine and Fisheries.
Hon. Adams George Archibald, Secretary of State for the Provinces.

Not one of the above named is now living. Being a woman's Society we are interested in the fact that two of the wives of these early Dominion statesmen survive—The Baroness Macdonald, and Mrs. Wm. Macdougall, a resident of this city.

On November the 7th, 1867, in the beautiful buildings erected for Upper and Lower Canada, and used once the year previous for the last Parliament of Old Canada, the first Federal Parliament was opened at Ottawa, with the representation prescribed by the British North America Act; Quebec, the pivotal Province, with her sixty-five members forming the basis of representation from all other Provinces.

Our law-makers did not travel to the scene of their labors so comfortably in those days as they are now able to do; the Member for Victoria being obliged to drive over one hundred miles to get the Grand Trunk (now Intercolonial) railroad at Riviere du Loup.

Neither had they the luxurious accommodation now afforded by our beautiful Chateau Laurier. Yet they were all most comfortably housed. While many members with their wives made up very happy parties in private boarding-houses, forming life-long friendships in the intimacy afforded by such an arrangement, the Russell House

was of course the mecca of politicians; and the home, during sessions, of those who preferred the stir and bustling excitement of hotel life. Indeed "The Russell" is so steeped in political associations, and the social history of this City, that many a politician finds still within its walls the most acceptable abiding place for himself and his family, or that part of it which he brings with him to cheer him through the days and nights of dry legislation; and to enjoy the social pleasures which the hospitable citizens of Canada's Capital know so well how to provide.

The old dining-room of the Russell has been the scene of many brilliant functions; but probably no more notable gathering ever assembled around its hospitable board than on the occasion of The Old Guard's dinner, a banquet tendered to Sir John A. Macdonald by the members of the Conservative party who, after the resignation of the Government in 1873, met in Caucus and insisted upon Sir John retaining the leadership of the party, and who were returned to Parliament at the general elections of 1878, when Sir John again became Premier; and were by him designated the "Old Guard." A fine photograph by Topley shows the old dining-room beautifully decorated with flags, plants and flowers. Down the centre of the long table around which sit fifty-nine faithful followers of the "Chief," who stands addressing them, is an artistic floral inscription of "The Old Guard." Portraits of Her Majesty Queen Victoria, the Marquis of Lorne and the Princess Louise hang just below the small gallery where a few privileged ladies had assembled to hear the speeches; among them being Lady Macdonald, Lady Schultz, Lady Caron, Mrs. and Miss Cameron, Mrs. Dewdney, Mrs. Brooks, and Mrs. Morton. This picture with the key thereof and that of the "Fathers of Confederation" are probably the most interesting group pictures of Canadian statesmen yet made.

Hon. James Cockburn was the first Speaker of the first Federal Parliament which in its personnel has never been surpassed by any of its successors.

Small wonder it is that with such men guiding her destinies, the prospects of the "New Dominion" were so brilliant as to call forth, a few years later, the following tribute from the Earl of Dufferin:

" It may be doubted whether the inhabitants of the Dominion them-
" selves are yet fully awake to the magnificent destiny in store for
" them, or have altogether realised the promise of their young and
" virile nationality. Like a Virgin Goddess in the primeval world,
" Canada walks in unconscious beauty among her golden woods and

"by the margin of her trackless streams, catching but broken "glimpses of her radiant majesty as mirrored on their surface, and "scarcely recks as yet the glories awaiting her in the Olympus of "Nations."

At the first federal elections following the "Proclamation of Union" as there was neither election, nor controverted election law each province was authorized to conduct the elections in the same manner it had been following for its own Parliament. New Brunswick, where the system had been in vogue for several years, was the first of the provinces to us the ballot, though not quite in the same manner as that provided by the Elections Act of 1874 for the Dominion, and used for the first time shortly after in a by-election at Vercheres, P.Q.

In New Brunswick each candidate prepared his own ballots and distributed them to the electors, who, after marking them, handed them in to the Returning Officer in presence of the Agents or Nominees.

When my father presented himself in the first federal elections for the County Victoria, his opponents suggested that one who had so vigorously opposed Confederation should not be looking for a seat in the first Parliament. His reply was that a man who had conscientiously served his people in the Provincial might safely be entrusted with their interests in the Federal House; and that in any case he was quite willing to abide by the voice of the people. The electors made known their feelings in no uncertain manner on that occasion and my father was elected then and at every succeeding election—1867, 1872, 1874, 1878, in 1882 by acclamation when he entered Sir John Macdonald's Cabinet as Minister of Inland Revenue, in 1886, 1890, 1894, 1896, 1900 by acclamation, when his opponent, considering discretion the better part of valor, forfeited his deposit by retiring from the contest a few days before the polling, and in 1904; sitting in the House of Commons until 1907, when he was called to the Senate; on deck all these years while the ship of State rolled on through stormy waters and calm, the man at the helm changing with the times as the country sent, each in his turn to the helm, such gallant captains as, Macdonald, MacKenzie, Macdonald again, Abbot, Thompson, Bowell, Tupper, Laurier and Borden.

Of Victoria County, the scene of my father's many poltical contests, a few words here might not be amiss. This County, now divided for Provincial purposes into the two electoral districts of

Victoria and Madawaska, each having two representatives in the New Brunswick Legislature, lies along the beautiful St. John river, which, rising in the spruce clad hills of Northern Maine forms the International Boundary line between that State and the Province of New Brunswick for a distance of about seventy miles from a point two and a half miles above Grand Falls to the mouth of the St. Francis river. At the former spot there has been for years a store so built that one side of it is in Canada while the other is in the United States; and a few miles above the latter point, at Beau Lake, the sportsman may stand with one foot in New Brunswick and the other in the Province of Quebec and cast his line in American waters.

The lower part of Victoria County is inhabited principally by English-speaking people, while the upper part is largely French, many of the settlers being descendants of the exiled Acadians.

Elections there in the early days meant much hard work and exposure; the candidates being obliged to drive fully four hundred miles on their canvassing tours.

The shire-town was then Grand Falls, so called from its great waterfall where the river narrows to about three hundred feet and takes a plunge of eighty feet into a chasm where the water boils and rages on down through a narrow gorge for a mile or so to the lower basin, descending nearly fifty feet in that distance.

While the fall itself cannot compare in height nor volume of water to the Great Niagara, yet many, who have seen both, declare that the wild beauty of the gorge and narrows, where tons weight of water are hurled boiling into the air, and great waves leap up against the high walls on each side of the chasm, surpasses anything seen at Niagara. The falls have been the scene of many tragedies. In the grey dawn of a winter morning in the year 1858, the suspension bridge, just below the falls, and a hundred and twenty feet above the water, suddenly collapsed. Fortunately, owing to the early hour, the loss of life was comparatively small. Tradition says that the Indians used to hurl their captives taken in war over the high cliffs to an awful death. The following tragic legend has been handed down from early days. A party of Mohawks pushed out their canoes on the head waters of the "Onangondy" (now St. John) river, intending by this new route to surprise their implacable foes the Melicites at their chief village Au Pak. On the way down the river they captured a small band of Melicites whom they put to death, sparing but one young maiden on condition that she would guide them to the spot where her people were encamped. The young

Indian heroine, to whom had instantly come an inspiration to save her loved ones, was placed in the foremost of the little flotilla of canoes which, at her suggestion, had been lashed together; and as they drifted silently down by night she steered straight for the Falls, the roar of which warned them, but too late, of their danger; and the whole party was swept into the gulf of churning waters below from which no living thing ever emerged.

Below these falls lie most of the 450 miles of St. John river waters navigable for steamboats; while above, lie a large part of the 2360 miles navigable by small boats and canoes. About sixty years ago a small steamer was put on the river between Grand Falls and Little Falls (forty miles above), but not proving a financial success it was taken off, hauled overland to the lower basin and launched for traffic below. Being the only boat on the river having a steam whistle, her first trips created great consternation, one story being told of a little boy who in the dusk of the evening seeing a fiery monster appear around a bend in the river accompanied by fearful screechings ran home in a panic of fear to tell his family that "the devil was coming down the river."

While at different periods of our country the political parties have lined up as Bleus and Rouges, a designation which later gave way to the terms Liberals (or Grits as they were christened by the Toronto Globe because they were such good fighters) or Reformers, and Conservatives or Tories, in the first federal elections in New Brunswick these terms were scarcely used. Instead, every man was either an Anti or a Confederate and if any other canvas was needed to add to the discord the partizan could always fall back upon the "Fenian scare." One little incident will serve to show how effectively this latter was made, at least on one occasion, to serve the purpose. My father had succeeded in having opened up about twenty miles of roadway which was a great boon to the people of the surrounding district. They sent him an expression of gratitude together with an assurance that they would vote for him to a man in the elections then near at hand. On the morning of the polling, one of the opposition, when he found how things were going, taunted the electors with being so unsophisticated as not to know that the road just built was for the express purpose of letting in the Fenians who, he warned them, were coming in the night to kill them in their beds. Before noon father's agent, or Nominee, had been thrown out of the window of the polling booth and but two men had the courage to vote for him.

In 1869 on the occasion of Prince Arthur's visit to Canada, he was obliged to drive from Fredericton to Riviere du Loup, and spent some little time at Grand Falls "en route." An incident in connection with his visit there gave evidence of the democratic spirit which has so endeared him to the Canadian people during his residence here as Governor General. As the party prepared to depart, a young French-Canadian captain, who had called out his volunteer corps to act as Guard of Honor to the Prince, and whose home training had taught him that true politeness consists of consideration for others, stepped forward to say good bye and after saluting added, "How is "Madam your Mother? Please give to her my compliments when "you return home," and followed up with a request for a photograph of the Prince. The wish was graciously granted and shortly after Captain Bossee was the proud recipient of an autograph portrait of Prince Arthur.

I remember reading somewhere an article on the characteristics of New Brunswick people which led me to conclude that the writer had not gone further north than St. John, or that he thought that city stood for everything in the Province, as he said the men might be known anywhere by the possession of two things not usually found together, namely a pocket corkscrew and a good digestion, and the women by their good complexions, fine physique and elestic bearing. While this may be true of St. John people where the fogs certainly do have an effect upon the complexions, and where the compulsory exercise exacted by the hilly nature of the City is no doubt an aid to the digestion as well as an improving influence upon the physique and carriage of the pedestrians, I should like to say that the men of New Brunswick have shown their right to a distinction far above those mentioned, in that they have been chosen to fill the highest places in the adminsitration of the State affairs of Canada. As for the women, I must tell you that a New Brunswick woman had the distinction of being the first one to ask for and the only one in Canada to obtain the privilege of casting a vote in a federal election. Knowing how deeply interested many of you are in this subject, as well as to show the valor of New Brunswick women and the gallantry of New Brunswick men, I shall tell you how it happened. At the first general elections in 1867 Mrs. Parkhill of Madawaska County, thinking perhaps that her lord and master had long enough enjoyed a privilege denied her, or possibly believing that she could better judge of the respective merits of the two candidates and thus exercise the franchise to the greater benefit of her country, decided to come herself to the polls. That the polling booth

was situated seven miles from her home, and that no conveyance was at hand for her use, mattered not to this ambitious woman, who calmly walked the distance. She happened to arrive when both the candidates—son of Erin, and stalwart Scotchman—were on the spot and to them she expressed her opinion that she had a perfect right to cast her husband's vote and declared her intention of doing so. Whether it was the chivalry of the candidates or the belief of each that he would be the favored one I know not, but they agreed that the lady should vote, and then and there took off their hats to the first female suffragist of Canada. Judging from her name (Bridget Parkhill) I don't believe the Scotchman got her vote.

One of the most bitter political contests ever fought in Victoria County was in 1887, when a French-Canadian was brought out to oppose my father and the execution of Louis Riel used as a canvas against the Government and its supporters. As the majority of the voters were French-Canadians, whose sympathetic and impulsive temperaments were worked upon by skilful campaigners with the "Murder of Riel" cry, the County was thrown into a state of greatest excitement. On nomination day grave fears were entertained for the personal safety of my father, though he himself could not believe in the existence of any real danger, and nothing worse occurred than a great deal of bitter talk and dark threats. When election day arrived excitement still ran high and the air was thick with apprehension; so much was this felt that when my father went out that morning he gave strict orders that none of the family would stir out and the doors would not be opened to any stranger. Fortunately however the day passed without any serious outbreak or even lasting animosity, as shown by the fact that the defeated candidate, Mr. Levite Theriault, was at the next general elections, one of my father's warmest supporters.

The sensational moment of the first day's session of the first Parliament was no doubt when Joseph Howe from Nova Scotia marched into the Chamber with his sixteen followers to make a dramatic speech against Confederation which had been forced upon his Province. His sixteen allies followed in the same line and only Dr. Tupper (from Nova Scotia) was left to speak in favor of the Union just consummated. Sir Charles is now, I believe, the only surviving one of the Fathers of Confederation.

During the first Parliament construction work was begun on the Intercolonial Railway, from which New Brunswick has hoped so much. A great deal of discussion preceded the adoption of the

Robinson or North Shore route in preference to the Valley route, which was considered the shortest and best commercial line, and which could have been completed at one-third the cost of the other. The proximity of the valley or river route to the United States was no doubt the strongest argument against its desirability. The construction of this road occupied about nine years and when completed, together with the Grand Trunk line between Riviere du Loup and Levis purchased by the Government, formed a direct line between Montreal and Halifax, a distance of nearly nine hundred miles.

In 1869 Newfoundland sent delegates to confer with the Canadian Government on the question of Union, but the terms then offered were not acceptable to the Island; a second delegation was sent some years later on the same errand, but though the terms were considered not only reasonable but liberal, they were again declined and Newfoundland still remains independent.

One day in the first session a little incident occurred which caused much merriment in the House. One of the Members, Mr. McKegney, afterwards Judge, who had been instrumental in the appointment of one of the messengers, Champagne by name, wishing to send him on an errand called one of the little pages and told him to bring Champagne to him. The young page tripped cheerfully away to return in a few moments with a glass of sparkling champagne on a tray which he politely presented to the member to his great astonishment and the huge enjoyment of the whole House.

In those days of the first Parliament a vote in Committee was taken in a very different manner from that now in use. The members were supposed to divide to the left and right of the Speaker to show a majority, but the last time that system was followed it led to such confusion and turmoil that it had to be abandoned. In fact on the occasion referred to, physical force was resorted to by each side in an endeavor to draw over men from the opposite.

As an attempt was made to drag Sir George Cartier forcibly over to the left of the Speaker, he, realizing that this was a case where the battle would surely be to the strong, clutched at his desk with such determination that both he and his desk were soon rolling on the floor.

In these struggles it was a case of the weak going not "to the wall" but to the other side, and when an attempt was made to "pull over" Mr. Ross (Ontario) he put up such a fight that his frock coat

was torn from him in pieces. Naturally such scenes necessitated a change in the method of voting, and the prevailing system was adopted.

The ugly pall of a foul crime threw its shadow of gloom over the first session when the promising career of one of Canada's most brilliant young statsemen was cut short by the hand of the assasin, and a cry of grief and horrified indignation went up from all the land when the news was flashed about that Thomas D'Arcy McGee, the gifted young Irish orator had paid the penalty of his loyalty to Canada and the Motherland, being shot down by a cowardly fanatic as he was about to enter his home after making a brilliant speech in the House of Commons on the night of April 7th, 1868.

Once opened the "treasure box" yields up an apparently inexhaustible supply to my pen; and though I fear I may have already exceeded the allotted time, may I briefly refer to an amusing incident which took place in the House of Commons in 1886, and recalled during these days when the restoration of the Irish Parliament forms the most interesting feature of debate in the British House of Commons. The legislation which has lain nearest to my father's heart during all these years is that connected with the New Brunswick and Manitoba School laws; as also the great question of Home Rule for Ireland; he having on several occasions introduced resolutions in the Federal Parliament for the purpose of strengthening the hands of those who were fighting the battle in the Old Country. On the night referred to his Home Rule Resolutions being before the House, the City Council of Ottawa held a meeting and adopted a motion asking the House of Commons not to pass Mr. Costigan's resolutions but to mind their own business. This was sent up to the House and read during the debate, the result being that a wit on the floor of the House suggested it would be well if the City Council would take a dose of their own medicine. The sally was greeted with roars of laughter, and the advice of the Ottawa Aldermen was rendered futile, the Home Rule measure being carried by a large majority.

Standing today at the ripe period of a long season of public life, my father has the happiness of seeing the fruits of his endeavors, in common with those of his contemporaries, about to fall into the lap of Canada, and the garlands of success to be twined around the brow of Ireland. His life-long dream is about to become a reality, and he has the happy privilege of being able to enjoy its realization, and to behold both Ireland and Canada, the two countries he loves

the most, becoming corner stones in that vast empire of which we might say with the poet:

"Wider still and wider
Shall thy bounds be set
God who made thee mighty
Make thee mightier yet! . ."

TERESA COSTIGAN ARMSTRONG.

Ottawa, March 10th, 1914.

115451

GEO. H. POPHAM PRINT
OTTAWA.

McPHERSON
LIBRARY

v.6 Women's Canadian Historical
Society of Ottawa. Transactions

UNIVERSITY OF VICTORIA
Library
VICTORIA, B.C.